

1                   IN THE DISTRICT COURT OF THE UNITED STATES  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

3       UNITED STATES OF AMERICA,           )  
4    )  
4                   Plaintiff,               )     Judge Wells  
5    )     Cleveland, Ohio  
5               vs.                            )  
6    )     Criminal Action  
6       JAMES A. TRAFICANT, JR.,           )     Number 4:01CR207  
7    )  
7                   Defendant.               )

8   - - - - -  
9                   TRANSCRIPT OF PROCEEDINGS HAD BEFORE  
10   THE HONORABLE LESLEY WELLS  
11   JUDGE OF SAID COURT,  
12   ON WEDNESDAY, MARCH 27, 2002  
13   Jury Trial  
14   Volume 27  
15   - - - - -

16  
17       APPEARANCES:  
17       For the Government:               CRAIG S. MORFORD,  
18   BERNARD SMITH,  
18   MATTHEW KALL,  
19   Assistant U.S. Attorneys  
19   1800 Bank One Center  
20   600 Superior Avenue, East  
20   Cleveland, Ohio 44114-2600  
21   (216) 622-3600  
21       For the Defendant:               Pro Se  
22       Official Court Reporter:       George J. Staiduhar, FCRR  
23   U.S. District Court - Room 539  
24   201 Superior Avenue  
24   Cleveland, Ohio 44114-1201  
25   (216) 575-1727  
25       Proceedings recorded by mechanical stenography; transcript  
      produced by computer-aided transcription.

1 MORNING SESSION, WEDNESDAY, MARCH 27, 2002 8:50 A.M.

2 (Proceedings had out of the presence of the  
3 Jury:)

4 THE COURT: Thank you. Be seated.  
5 Congressman?

6 MR. TRAFICANT: I call attorney Brian Kopp  
7 for Russell Champ Saadey.

8 THE COURT: Mr. Kopp, if you would like to say  
9 something you can. We were going to have a voir dire at  
10 8:30 of your client on an issue. So perhaps you can  
11 enlighten us.

12 MR. KOPP: It is obvious I am here and my  
13 client is not. I did receive a call this morning at about  
14 7:00 clock. I did not get a return call. I left Youngstown.  
15 Mr. Saadey and I were to meet around 7:00 o'clock and drive  
16 up.

17 I did get a call and informed the Congressman about  
18 20 minutes ago. Mr. Saadey claimed to be ill. I told him  
19 that was not a sufficient excuse to a subpoena. He is en  
20 route, which is my understanding.

21 I want to apologize. I made a representation to this  
22 Court that I would be here with my client promptly at 8:30  
23 because we requested you excuse us the other day. I did  
24 speak to the Congressman and made that representation to  
25 him that I would have my client here at 8:30.



1 MR. KOPP: That's correct.

2 THE COURT: Okay. I'm glad you have your  
3 client under a responsibility to be here, and we will be  
4 able to do that voir dire later. But, if in fact there is  
5 some sort of tape, then the Congressman needs to allow you,  
6 an attorney, as his lawyer to have access to that.  
7 Congressman?

8 MR. TRAFICANT: I have stated that. I had  
9 asked counsel, if necessary, to have the Marshals produce  
10 his client.

11 THE COURT: Well, that doesn't sound like it  
12 is necessary, and generally I'm the one who tells the  
13 Marshals --

14 MR. TRAFICANT: No. But I was misrepresented.  
15 I want that on the record.

16 THE COURT: Okay.

17 MR. TRAFICANT: Second of all, that there  
18 were no violations by his client, but there were elements  
19 of questioning regarding --

20 THE COURT: I don't know what you are  
21 talking about, Congressman.

22 MR. TRAFICANT: And I have destroyed the  
23 tape.

24 THE COURT: Well, we have never seen the  
25 tape. The tape hasn't been admitted into evidence. I don't

1 know anything about that tape except you made  
2 representations here in Court regarding it, I think  
3 yesterday.

4 MR. TRAFICANT: I've informed counsel of  
5 same.

6 MR. MORFORD: Your Honor, if he is planning  
7 to call Champ Saadey, then he is telling the Court he  
8 destroyed Jencks material he never gave to the Government.

9 THE COURT: Well, we will have to deal with  
10 that separately. Okay? I want to move to a couple of  
11 different issues.

12 MR. TRAFICANT: I have never moved any  
13 evidence and have just subpoenaed Mr. Saadey, and Mr.  
14 Saadey has become a recent issue.

15 THE COURT: Okay. Well, in any event, Mr.  
16 Saadey is going to be here sometime this morning, and we  
17 will make inquiry at the appropriate times about anything  
18 that may, in fact, happen as opposed to what everybody  
19 thinks may have happened. Okay?

20 But thank you, sir. I'm glad, Mr. Kopp, that you  
21 came.

22 Now let me move on to a couple of other issues.

23 We were given a flurry of new motions by you,  
24 Congressman, this morning. I haven't had a chance even to  
25 read what they are, but I want to know whether they were

1 served on the Government.

2 MR. MORFORD: Yes, they were, your Honor,  
3 about five minutes ago.

4 THE COURT: Okay. Congressman, who do you  
5 have here today for witnesses?

6 MR. TRAFICANT: I have Denny Johnson. Now  
7 with the Saadey thing that I thought would be very lengthy,  
8 I have Dennis Johnson here --

9 THE COURT: We can do a voir dire of him  
10 right now.

11 MR. TRAFICANT: We can do him right now.

12 THE COURT: Okay. That will be a good idea.  
13 Bring him down.

14 MR. MORFORD: Can we know who else, Your  
15 Honor?

16 THE COURT: Yes. We do need to know your  
17 witnesses.

18 MR. TRAFICANT: I am sorry. I have a Robert  
19 Barlow, a Linda Kavulic, Anthony Traficanti, and a Mr.  
20 George Hooker, plus I have Mr. Johnson present and was to  
21 have Mr. Saadey present.

22 THE COURT: I can hand down an order I just  
23 journalized regarding the Defendant's motion regarding  
24 hearsay, and that will give you a chance to look it over  
25 while we wait for Mr. Johnson to come down.

1                   MR. TRAFICANT: I would request to address  
2                   these after this witness since my motions concern proffers  
3                   concerning your orders.

4                   THE COURT: Would you raise your right hand,  
5                   sir?

6                   DENNY JOHNSON,  
7                   of lawful age, a witness called by the Defendant,  
8                   being first duly sworn, was examined  
9                   and testified as follows:

10                  THE COURT: Thank you, sir. Have a seat. I  
11                  mean, just sit down.

12                  Congressman, this ruling that I just handed out, I  
13                  just want you to be aware of it, and it was issued before  
14                  whatever your motions are that you filed this morning came  
15                  to my attention. So I haven't had a chance to read your  
16                  motions. I was just given them before I walked out on the  
17                  bench.

18                  MR. TRAFICANT: Okay. I just --

19                  THE COURT: You don't need to talk about  
20                  them. We will give the Government an opportunity to  
21                  respond, as we always do, before we rule on them, and we  
22                  will go forward as we normally do.

23                  How are you this morning?

24                  THE WITNESS: Fine, Your Honor.

25                  THE COURT: Okay. This is a limited inquiry.

1       The judges refer to these sometimes as dry runs. What they  
2       do is allow us to explore further issues that are legal  
3       issues out of the hearing of the jury so that the Court can  
4       make proper determinations under the rules of evidence  
5       about whether or not further testimony may or may not be  
6       admitted.

7                       MR. TRAFICANT: I object to this process.

8                       THE COURT: I understand. The Congressman  
9       objects to this process. Nonetheless, we follow it in any  
10      case where we have these issues.

11              So there are several ways we can do it. There were a  
12      couple of objections during your direct examination that  
13      were made by the United States to questions that were asked  
14      of you.

15                      THE WITNESS: Yes, ma'am.

16                      THE COURT: And when those questions were  
17      put, there is a transcript of that that is developed, and I  
18      am reading out of the transcript of that day's testimony.  
19      And unless somebody has something else they want to do, I  
20      will just go to the particular questions. I will identify  
21      where they are in the transcript. I will ask the questions,  
22      and this time we will get the answers from you, and then I  
23      will have an opportunity to evaluate those. Okay?

24                      MR. TRAFICANT: Before you read the  
25      transcript, Your Honor, I would like the opportunity to

Johnson - Direct (Voir Dire)

1 direct examine this witness.

2 THE COURT: You had him on direct.

3 MR. TRAFICANT: Yes, and you stopped the  
4 examination.

5 THE COURT: Right. Well, I think what may  
6 happen -- we didn't really stop the examination.

7 MR. TRAFICANT: Yes. You discontinued it, and  
8 you removed the jury and said we'd take it up later.

9 THE COURT: Okay. We are going to those  
10 areas of the transcript.

11 MR. TRAFICANT: I would like to do the  
12 examination of the witness.

13 THE COURT: All right. Fine. You can  
14 begin.

15 VOIR DIRE DIRECT EXAMINATION OF DENNY JOHNSON

16 BY MR. TRAFICANT:

17 Q. Good morning, Denny.

18 A. Good morning, sir.

19 Q. The Friday that you did not attend, was it your  
20 fault?

21 A. No, sir.

22 Q. What were you told?

23 A. Not to come on Friday.

24 Q. Were you told anything else?

25 A. Just not to attend, sir.

Johnson - Direct (Voir Dire)

1 THE COURT: Sir, who told you that?

2 THE WITNESS: The Congressman, Ma'am.

3 THE COURT: Thank you.

4 BY MR. TRAFICANT:

5 Q. Did you know if I had anybody else that day for the  
6 process?

7 A. You said you had Mr. Terlecky coming.

8 Q. Now, we had gone through an awful lot of  
9 conversation. And isn't it a fact that you have admitted  
10 that you have known both John J. Cafaro and Chuck O'Nesti?

11 A. Yes, sir.

12 Q. Did you have occasion to meet with Mr. Cafaro?

13 A. Yes, sir.

14 Q. What was your purpose of seeking meetings with  
15 Mr. Cafaro?

16 A. You requested that I get a hold of Mr. Cafaro to make  
17 arrangements to pick up titles of cars that you purchased  
18 from him.

19 Q. Did you have occasion to be with Billy Coleman at a  
20 north side restaurant?

21 A. Yes, I did.

22 Q. What restaurant was it?

23 A. Crystal Lounge on Mahoning Avenue, sir.

24 Q. Did you have occasion to see or meet with Mr. Cafaro  
25 that day?

Johnson - Direct (Voir Dire)

1 A. Yes, I did.

2 Q. And how did it occur?

3 A. Mr. Cafaro came in with a group of his associates and  
4 sat at a big round table, and Mr. Coleman and I and some  
5 friends were sitting at the far end of the restaurant, and  
6 Mr. Cafaro got up eventually, and he walked over towards  
7 the group I was with and asked me if he could speak to me  
8 for a minute.

9 Q. And did he speak to you there?

10 A. No, he didn't. He said "Come with me," so I got up  
11 and walked with him to the cash register.

12 Q. And what, if anything, did you do at the cash  
13 register?

14 A. Well, I just kind of looked, and then he wanted to go  
15 outside. So we walked out the front door in the alley that  
16 goes along the restaurant.

17 Q. Were you in front of Mr. Cafaro or was he in front of  
18 you?

19 A. No. He was walking in front of me.

20 Q. Where did the conversation take place?

21 A. In the driveway right alongside the restaurant where  
22 you pull in to park in the back.

23 Q. Did you initiate the conversation?

24 A. No, I did not.

25 Q. What, if anything, happened?

Johnson - Direct (Voir Dire)

1       A.     When he was walking, he stopped real quick, and he  
2       turned around and looked at me and he said, "Tell Jimbo  
3       there was nothing he or I ever done that was illegal, and I  
4       am having a little problem with the Chance situation," and  
5       he stopped, and he looked at me. And I said, "Mr. Cafaro,  
6       that's not why I called you."

7       Q.     What at that time was the look or demeanor of  
8       Mr. Cafaro?

9       A.     Well, when I told him that's not why I called him, he  
10      kind of looked at me funny. I kind of stopped him and I  
11      told him, "That's not why I called you," and he kind of  
12      looked at me for a second.

13      Q.     How many times did you call him, his office?

14      A.     At least three to four times.

15      Q.     And did he ever return any of those calls?

16      A.     No, sir.

17      Q.     So when he had this befuddled look on his face, was  
18      it your impression that he thought you were going to talk  
19      about something else?

20      A.     He gave me the impression that it surprised him when  
21      I told him that's not why I called him, but he didn't  
22      elaborate but kind of looked at me kind of funny.

23      Q.     Was there any further conversation?

24      A.     Yes, sir.

25      Q.     What did you do? What did you say?

Johnson - Direct (Voir Dire)

1 A. I told him the only reason I was trying to call him  
2 to talk to him was that you requested that I get the titles  
3 of the cars that you had purchased.

4 Q. And what, if anything, did he say?

5 A. He just looked at me. He said, "That has been a long  
6 time ago." He said, "I don't even think I know where the  
7 titles are," and he stopped and he said, "I think I know a  
8 guy that does know," and he said, "I will get back with  
9 you."

10 Q. Did he ever get back to you?

11 A. No, no.

12 Q. Did you report that to me?

13 A. Yes, I did.

14 Q. Were you instructed to contact Mr. Cafaro by me  
15 relative to my case?

16 A. No, I wasn't.

17 Q. How many days have you traveled to Cleveland  
18 involving this trial?

19 A. This will be the sixth day, sir.

20 Q. Now, were you asked to be here yesterday?

21 A. Yes. You did say to me you wanted me up here.

22 Q. What was the reason you were not up here yesterday?

23 A. I requested a week ago when we discussed it, my wife  
24 had a doctor's appointment that was crucial to us, and she  
25 wanted me to attend, and you said that would be fine.

Johnson - Direct (Voir Dire)

1 Q. Have you been remarried?

2 A. Yes, I have.

3 Q. What was the purpose of your doctor's meeting?

4 A. My wife is pregnant, and we went to the baby doctor,  
5 Congressman.

6 Q. Did you know Chuck O'Nesti?

7 A. Yes, I did.

8 Q. Did you know Chuck very well?

9 A. I knew him when he was running for councilman and  
10 by talking and socializing. I knew Chuck fairly well.

11 Q. Did he help you with fund-raisers?

12 A. Yes, he did.

13 Q. Did you consider him a friend?

14 A. Yes, I did.

15 Q. Were you familiar with his representation?

16 A. Yes, I was.

17 Q. Now, over a period of years, how many times would you  
18 say you had ever met with Mr. O'Nesti?

19 A. Over a period of when, sir?

20 Q. Over a period of years that you worked, when you  
21 became part of this -- did your district become part of  
22 the new 17th District?

23 A. Yes, it did.

24 Q. And who was your Congressman?

25 A. You was.

Johnson - Direct (Voir Dire)

1 Q. And during that period of time did you have occasion  
2 to meet with Mr. O'Nesti many times?

3 A. I met with Mr. O'Nesti at functions, and things of  
4 that nature, yes.

5 Q. Did you have occasion to meet with him shortly before  
6 he became very bedridden?

7 A. Yes, I did.

8 Q. Could you explain where you met him?

9 A. I was at the Open Hearth Tavern on Steel Street in  
10 Youngstown, Ohio.

11 Q. Who were you with?

12 A. I was with Mr. Coleman.

13 Q. Is that the same fellow you were with at the other  
14 restaurant when Mr. Cafaro came in?

15 A. Yes, I was.

16 Q. And what is Mr. Coleman's past employment history?

17 A. Well, Mr. Coleman last was the chief bailiff of the  
18 Seventh District Court of Appeals.

19 Q. Did that cover your county?

20 A. Yes, it did.

21 Q. Was he a close personal friend?

22 A. Probably my best.

23 Q. Did he witness both of these meetings?

24 A. Yes, he did.

25 Q. I'm not talking about the conversations you had; I'm

Johnson - Direct (Voir Dire)

1       talking about the approach of these respective people to  
2       you.

3       A.     Yes.   He was both sitting right next to me.

4       Q.     Now, when you were sitting with Mr. Coleman, what, if  
5       anything, did you see happen?

6       A.     Well, when we were sitting at the bar, sir, and  
7       people come in and out, and every time the door opens I  
8       look. I looked at this gentleman, and I paid no attention  
9       to him when he walked in and continued our conversation,  
10      but when he approached me there was something about the  
11      voice, and I kind of leaned back and I looked when he  
12      approached us, and I kept looking at him, and after awhile  
13      I realized it was Chuck O'Nesti. But he looked very sick,  
14      very thin, talked very low, and he moved very slowly.

15      Q.     Did you arrange to meet with Mr. O'Nesti that day?

16      A.     No, I did not.

17      Q.     Did you come to find out how Mr. O'Nesti found you?

18      A.     No.   He just indicated he found out I was going to be  
19      there, and he come down to meet with me.

20      Q.     Did you meet with him in the presence of Mr. Coleman?

21      A.     No, I didn't.

22      Q.     Where did you go when you left Mr. Coleman's  
23      presence?

24      A.     We -- he asked to talk, and we got up and walked and  
25      sat at the table in the back of the room, the main room,

Johnson - Direct (Voir Dire)

1 but clear at the far end of it.

2 Q. Was there anybody else back there?

3 A. No, sir.

4 Q. Could Mr. Coleman see you from where you were seated?

5 A. Yes, he could.

6 Q. You think he could?

7 A. Yes, sir. I know he could. He could see us where we  
8 were sitting.

9 Q. Who initiated the conversation?

10 A. Chuck O'Nesti did, sir.

11 Q. Describe his voice and his behavior.

12 A. Well, as I said, he talked very low, and it is not  
13 usually like Chuck, but he was talking very quiet and  
14 still, had that kind of ruffled voice that I recognized,  
15 and his hair was falling out. He had a ball cap on. And  
16 he just walked real slow and looked very thin. And when I  
17 saw him he surprised me.

18 Q. Did you initiate the conversation or did he?

19 A. He did, sir.

20 Q. And what was the purpose of him coming to meet with  
21 you?

22 A. When we sat down, he said, "Jim will not return my  
23 phone calls."

24 Q. Okay.

25 A. And I am concerned that somebody is not giving him

Johnson - Direct (Voir Dire)

1 the messages that I am calling him. He said, "I need to  
2 talk to Jim. Please have Jim call me."

3 Q. What, if anything, did you tell him?

4 A. I told him I would get ahold of you and have you call  
5 him, sir.

6 Q. And did you get ahold of me?

7 A. Yes, I did.

8 Q. Now, did Mr. O'Nesti proceed to say anything else?

9 A. When he sat there he looked at me after he kept  
10 wanting to know why you hadn't called him and if I would  
11 guarantee I would get in touch with you, and he looked at  
12 me and said, "Denny, Jim did nothing wrong. They want me to  
13 say some things that is not true, and they are going to  
14 send me to the Army."

15 Q. They were going to send him to the Army?

16 A. Yes, sir.

17 Q. Did you cut him off when he started talking about the  
18 Army?

19 A. Your Honor, about eight months ago -- prior to that  
20 my wife died from brain cancer, and I knew it was close to  
21 what Chuck had. I told Chuck, "Come on, I am just going to  
22 get you home." I said, "You should be home." I promised him  
23 I would get you to call him.

24 I got him up, walked him back to where Billy and I  
25 was sitting. He walked down at the other end of the bar and

Johnson - Direct (Voir Dire)

1 met an individual, and he said hi, and he left.

2 Q. Did you see him leave?

3 A. I saw him walking out the door, yes, sir.

4 Q. Do you believe he was close to or near death?

5 A. Yes, I do.

6 Q. Were you surprised he was even walking around at that  
7 time?

8 A. Well, I can just tell you he looked very -- he was a  
9 very sick man, Congressman.

10 Q. Now, when you said your wife died of brain cancer did  
11 you see and recognize certain similarities in their actions  
12 and behavior?

13 A. Yes, I did.

14 Q. Did you relate that message to me?

15 A. Yes, I did.

16 Q. Did I ever ask you to do anything illegal?

17 A. No, sir, you haven't.

18 Q. Did I speak at your fund-raisers?

19 A. Yes, you have.

20 Q. Did you pay me for speaking at your fund-raisers?

21 A. No, I didn't.

22 Q. Did you give me expense money for speaking at your  
23 fund-raisers?

24 A. No, I haven't.

25 Q. Are you and I good friends, Denny?

Johnson - Cross (Voir Dire)

1 A. I think we are, sir.

2 Q. What is your status with General Motors?

3 A. I am a production supervisor at General Motors, and I  
4 am right now on a political leave of absence.

5 Q. And you are on my staff?

6 A. Yes, sir.

7 Q. Now, with the new redistricting due to the census, is  
8 your county, Columbiana County, in the new 17th District of  
9 Ohio?

10 A. No, it isn't.

11 Q. Do you live in the 17th District of Ohio?

12 A. No, I do not.

13 Q. Are you politically active throughout the 17th  
14 District of Ohio?

15 A. Yes, I am.

16 Q. Were you the campaign chairman for Mr. Birch for  
17 governor?

18 A. For the primary, yes, sir.

19 Q. Do you help me with my campaigns?

20 A. Not really, sir, unless you come down to my county in  
21 the evenings; then I do, yes, sir.

22 MR. TRAFICANT: That's all the questions I  
23 have of this witness.

24 THE COURT: Thank you.

25 VOIR DIRE CROSS-EXAMINATION OF DENNY JOHNSON

Johnson - Cross (Voir Dire)

1 BY MR. MORFORD:

2 Q. Mr. Johnson, I don't believe you gave us any time  
3 frames whatsoever. What was the date you met with Mr.  
4 Cafaro?

5 A. I want to say it was early March 2000.

6 Q. And what makes you think it was early March?

7 A. Because it was cold, and that was, the best of my  
8 knowledge, was somewhere right in around March.

9 Q. Sir, it is cold in December, January, February,  
10 March. What makes you pick March?

11 A. Because that was the best time I could come up that I  
12 was close to it, sir.

13 Q. Based on what?

14 A. Just when I can remember approximately when it was.

15 Q. Well, sir, you worked for Congressman Traficant,  
16 correct?

17 A. Correct.

18 Q. And you have supported him politically over the years  
19 correct?

20 A. Correct.

21 Q. And isn't it true you considered it a bombshell when  
22 Mr. Cafaro made this statement to you, sir?

23 A. I didn't take it as a bombshell, sir.

24 Q. You didn't take it as very significant given the fact  
25 that in March of 2000 the newspapers were reporting that

Johnson - Cross (Voir Dire)

1       Congressman Traficant was under investigation for illegal  
2       contact and conduct with USAG, and now the head of USAG is  
3       telling you that he lied about Congressman Traficant, and  
4       you didn't think it was a bombshell?

5       A.     Well, being honest with you --

6       Q.     That's what I want you to do.

7       A.     I didn't think he was doing anything wrong, to start  
8       with, and I didn't want to know, and I didn't know who that  
9       company was to start with.

10      Q.     Do you mean to tell this Court that you hadn't been  
11      reading the papers about your boss, Congressman Traficant,  
12      being accused of taking bribes and gratuities from USAG?  
13      You had no idea about that?

14      A.     Mr. Morford, I heard more stories going on than you  
15      can shake a stick on.

16      Q.     Were you following this case in the papers, sir?

17      A.     I was reading it like everyone else, yes, sir.

18      Q.     And isn't it true that in late February in the papers  
19      there were numerous reports about alleged illegal conduct  
20      between J.J. Cafaro and Congressman Traficant?

21      A.     I don't know, sir.

22      Q.     You don't know?

23      A.     I don't. No, I don't.

24      Q.     You don't remember that?

25      A.     No, I don't.

Johnson - Cross (Voir Dire)

1 Q. Might it refresh your recollection if I were to show  
2 you a couple of those articles, sir?

3 MR. TRAFICANT: Objection. He says he doesn't  
4 know.

5 THE COURT: That can lay a foundation for  
6 him to refresh his recollection.

7 Q. So is your testimony, sir, that the time that J.J.  
8 Cafaro made this statement to you -- and I want to see  
9 again -- why don't you tell me again exactly what he said  
10 to you.

11 A. He just turned around and said, "Tell Jimbo there is  
12 nothing I can say to him, and there was nothing I ever did  
13 was illegal."

14 Q. "Tell Jimbo" -- I am sorry?

15 A. Nothing I can say, that anything him and I ever done  
16 was illegal.

17 Q. And isn't it true, sir, that at that very time that  
18 he told you that you had already read in the papers  
19 allegations about improper gratuities, allegations about  
20 improper gratuities --

21 MR. TRAFICANT: Objection. Asked and  
22 answered.

23 Q. -- that Mr. Cafaro was giving to Congressman  
24 Traficant. You knew about that, correct?

25 A. Mr. Morford, I can't say I did not know about it. I

Johnson - Cross (Voir Dire)

1 am just saying there was so much in the paper. You are  
2 asking me specifics. I didn't pay that much attention to  
3 every day what was going on.

4 Q. Well, sir, let me ask you this: How many years have  
5 you been involved in politics?

6 A. Total?

7 Q. Yes.

8 A. Probably 20 years.

9 Q. And how many years were you the head of the  
10 Democratic party in Columbiana County?

11 A. Approximately ten.

12 Q. And as the chairman, how many campaigns have you  
13 helped run, sir?

14 A. Quite a few.

15 Q. How many, ballpark?

16 A. They change every year, sometimes two, sometimes  
17 three. I don't know, 15, 20, 25. I don't know, sir.

18 Q. And isn't it true in March of 2000 your boss,  
19 Congressman Traficant, was in one of the most contested  
20 primary campaigns he had ever been in, sir?

21 A. Yes, sir.

22 Q. And isn't it true that these allegations of  
23 misconduct, including the gratuities he was allegedly  
24 receiving from USAG, were becoming a significant issue in  
25 that primary, sir?

Johnson - Cross (Voir Dire)

1 A. Mr. Morford, you are hitting me -- I don't recall  
2 that. Really, I'm serious.

3 Q. You don't recall that being an issue in the primary  
4 campaign, sir?

5 MR. TRAFICANT: Objection. It is the third  
6 time he said he can't recall.

7 A. Like I said, there were so many stories coming out  
8 every day. I do not recall that or I would tell you.

9 Q. There were so many stories you can't recall, but you  
10 can recall what Mr. Cafaro told you, right?

11 MR. TRAFICANT: Objection. Fourth time. How  
12 many times are you going to let him question him? He is  
13 badgering my witness.

14 THE COURT: I am going to let him  
15 cross-examine your witness.

16 MR. TRAFICANT: You don't let me do that.

17 THE COURT: Come on, Congressman.

18 MR. TRAFICANT: Objection. If the witness  
19 can't recall, he can't recall. He said it four times. For  
20 the record, I object.

21 THE COURT: Now will you please sit down,  
22 having made your objection.

23 MR. TRAFICANT: I will sit down.

24 THE COURT: Thank you.

25 BY MR. MORFORD:



Johnson - Cross (Voir Dire)

1 Q. How long after this conversation took place did you  
2 call Congressman Traficant and tell him about it?

3 A. Next time I talked to him about it, which would have  
4 been the same night or next day.

5 Q. And did you ever write down or memorize what Cafaro  
6 told you?

7 A. No.

8 Q. You didn't think it was important?

9 A. It was important for me to tell him.

10 Q. Wasn't it important for you to write it down?

11 A. No, sir.

12 Q. You didn't think it was very important at that time,  
13 sir?

14 A. All he asked me to do was check. I checked, and I  
15 reported back to the Congressman what Mr. Cafaro said, sir.

16 Q. All he asked you to do was check?

17 A. On the titles.

18 Q. I am talking about this statement that you claim that  
19 Mr. Cafaro made to you --

20 A. Okay.

21 Q. -- to tell Jimbo that there is nothing I can say  
22 that anything him and I did was illegal.

23 A. Correct.

24 Q. You didn't think that was important enough to  
25 memorize it?

Johnson - Cross (Voir Dire)

1 A. No, sir, I did not.

2 Q. Wouldn't that be a good thing to do with a statement  
3 like that?

4 MR. TRAFICANT: Objection. That's  
5 speculation.

6 THE COURT: He can answer.

7 A. What was important, the important thing for me to do  
8 was get a hold of the Congressman and confer our  
9 conversation, which I did.

10 Q. Are you aware when law enforcement officers when they  
11 receive information like that they memorialize it?

12 A. They could.

13 MR. TRAFICANT: Objection.

14 Q. You are not a law enforcement officer?

15 A. No, sir.

16 MR. TRAFICANT: I had objected to that  
17 question. It was irrelevant.

18 Q. Now, sir --

19 THE COURT: It is not irrelevant. The  
20 objection is overruled.

21 Q. You testified that when you first saw J.J. Cafaro he  
22 looked a little surprised or nervous because you had been  
23 calling him and he hadn't been returning your calls?

24 A. When he got up from the group of people, walked over  
25 to me and looked at the TV and kind of said "hi" and looked

Johnson - Cross (Voir Dire)

1       around, kind looked at me and said, "Can I talk to you, Mr.  
2       Johnson?"

3       Q.     Now, this was all prior to the time that Mr. Cafaro  
4       was actually charged, correct, to the best of your  
5       knowledge?

6       A.     Best of my knowledge.

7       Q.     And from what you have told us, Mr. Cafaro knew that  
8       you had been calling him on several occasions but didn't  
9       know why you had been calling him, correct?

10      A.     Correct.

11      Q.     And you and Mr. Cafaro had been involved politically  
12      over the years, correct?

13      A.     Yes, sir.

14      Q.     And he supported your party with contributions down  
15      in Columbiana County?

16      A.     Yes, he has.

17      Q.     And you knew he has been close with Congressman  
18      Traficant over the years, correct?

19      A.     I knew that they communicated, yes.

20      Q.     Wasn't it true, sir, you knew they were close?

21      A.     Well, I know one time they weren't even speaking.

22      Q.     I am not talking in the early years, I am talking in  
23      the three years prior to the conversation you just  
24      testified about.

25      A.     Yes.

Johnson - Cross (Voir Dire)

1 Q. They were quite close?

2 A. They were close, yes, sir.

3 Q. They worked on a number of projects together,  
4 correct?

5 A. Yes, sir.

6 Q. And isn't it true it is your impression when J.J.  
7 Cafaro ran into you he seemed to think you had been calling  
8 him to find out whether or not he was cooperating against  
9 Congressman Traficant? Wasn't that your impression, sir,  
10 based on the way he immediately said, "Hey, look, look"?

11 A. Yes, sir. The way he turned, yes, sir.

12 Q. And he knew at that time that you were a close  
13 associate of Congressman Traficant, correct?

14 A. That's correct, sir.

15 Q. He knew you were working for Congressman Traficant,  
16 correct?

17 A. Yes.

18 Q. And talking to you, he was talking to an agent of  
19 Congressman Traficant, correct?

20 A. Yes, sir.

21 Q. And isn't it true, to the extent such statement even  
22 was made, it was only made because he was trying to let  
23 Congressman Traficant know through you that he was okay?

24 A. Well, again, I am going to say this, Mr. Prosecutor.

25 Q. Your impression: You were there.

Johnson - Cross (Vair Dire)

1 A. Are you referring to that one incident about that  
2 aerospace? I was not really aware of that.

3 Q. No, sir. I am just asking you as the person that was  
4 there that day, wasn't it true that was your impression?

5 A. I got that impression, yes, sir.

6 Q. Now, with respect to Mr. O'Nesti and the alleged  
7 statement by Mr. O'Nesti, isn't it true, sir, that Mr.  
8 O'Nesti just thought the world of Congressman Traficant?

9 A. Yes, he did.

10 Q. Almost worshipped Congressman Traficant, correct?

11 A. Yes, he did.

12 Q. And Mr. O'Nesti at the time that he talked to you  
13 knew you were quite close to Congressman Traficant,  
14 correct?

15 A. Yes, sir.

16 Q. And again, it was your impression that in talking to  
17 you it was as though he was talking to an agent for  
18 Congressman Traficant, to get the word back to Congressman  
19 Traficant, correct?

20 A. That's correct, sir.

21 Q. And isn't it true at the time he made this alleged  
22 statement to you his primary purpose was he was trying to  
23 get Congressman Traficant to call him and couldn't get  
24 Congressman Traficant to return his calls?

25 A. That's correct, sir.

## Johnson - Redirect (Voir Dire)

1 Q. Did he tell you why he wanted Congressman Traficant  
2 to call him?

3 A. No, he didn't.

4 MR. MORFORD: May I have a moment, Your  
5 Honor?

6 (Pause.)

7 VOIR DIRE REDIRECT EXAMINATION OF DENNY JOHNSON

8 BY MR. TRAFICANT:

9 Q. Denny, when you met with Mr. Cafaro, did you know he  
10 had anything to do with U.S. Aerospace?

11 A. I did not know that. I didn't know about any laser. I  
12 didn't know about that. I didn't pay attention. And maybe  
13 I should have, but I didn't.

14 Q. Were we involved in the only significant campaign  
15 that I ever had since my first race?

16 A. Basically, yes, sir.

17 Q. When you were on work hours did you do any  
18 campaigning?

19 A. No, sir. People came up and talked to me, but going  
20 out, no, sir.

21 Q. After work did you help campaign for me?

22 A. Yes, I did.

23 Q. Was that the most pressing thing on your mind and the  
24 minds of our campaign staff, that election?

25 A. Well, I'm not saying we didn't want to get you

Johnson - Redirect (Voir Dire)

1       elected, because we should, but your Youngstown District  
2       Office were to take care of the people and help the people.

3       Q.     But I mean was our campaign and the people involved  
4       with it very focused on that campaign because of the  
5       dynamics of that campaign?

6       A.     Yes, sir.

7       Q.     Did you ever witness a more brutal campaign in your  
8       life?

9       A.     No. That's probably the best one I saw.

10      Q.     Did you ever hear me say anything bad about anybody?

11      A.     No, sir.

12                   MR. MORFORD: Objection, Your Honor, as to  
13      what this has to do with the motion in limine.

14                   THE COURT: That's okay. We will take the  
15      answer.

16      Q.     Did you ever hear me say anything bad about any of my  
17      opponents?

18      A.     No, sir.

19      Q.     Did you ever hear my opponents say anything bad about  
20      me?

21      A.     Yes, sir.

22      Q.     Do you know if I beat the hell out of him -- them in  
23      that election?

24      A.     Yes, you did, sir.

25      Q.     Do people back home fear me?

## Johnson - Redirect (Voir Dire)

1 A. No, sir.

2 Q. Do people on my staff fear me?

3 A. No, sir.

4 Q. Did I ever threaten anybody on the staff?

5 A. Not that I'm aware of, sir.

6 Q. Did you work over all three counties?

7 A. Yes, I did, sir.

8 Q. Did you play a key role when the money was brought to  
9 Columbiana County, the federal monies?

10 A. I hope I did, sir, yes, sir.

11 Q. Did you participate on behalf of Columbiana County in  
12 projects?

13 A. Continuously.

14 Q. When I was a congressman --

15 THE COURT: Congressman, I don't understand  
16 what this has to do with the case.

17 MR. TRAFICANT: Setting a foundation.

18 THE COURT: For what?

19 MR. TRAFICANT: For his involvement with Mr.  
20 O'Nesti and the campaign.

21 THE COURT: Well, then, let's ask questions  
22 directly toward that involvement.

23 MR. TRAFICANT: I am getting to that.

24 THE COURT: Okay. It would be good to go now  
25 to that. We have a jury waiting.

## Johnson - Redirect (Voir Dire)

1 BY MR. TRAFICANT:

2 Q. Did you communicate to me directly about some of  
3 these projects?

4 A. Yes, I did.

5 Q. Who else did you communicate with?

6 A. Claire Maluso, Charlie Strawbush in Washington, D.C.,  
7 mostly directly to you, and following up with them people.

8 MR. TRAFICANT: No further questions.

9 THE COURT: Thank you. Do you have anything  
10 further?

11 MR. MORFORD: Nothing further.

12 THE COURT: Okay. Sir, you can step down.  
13 We are going to permit you, Congressman, to present  
14 whatever arguments you want to make about whether or not  
15 there is some exception to hearsay here, but we will do  
16 that at 4:30 today after the jury has gone home. The jury  
17 is sitting back there. We got started late this morning,  
18 and we need to bring them out. So if you would get your  
19 first witness ready and go forward with the jury, and we  
20 will deal with this issue at one of the breaks. If we  
21 decide to do it earlier, we might do it at an earlier  
22 break.

23 MR. MORFORD: Your Honor I would like the  
24 Court to inquire before the jury is in the box whether  
25 Congressman Traficant is going to attempt to elicit any

Barlow - Direct

1 out-of-court statements from Mr. Barlow so we don't get  
2 into it and don't have to have the jury leave again.

3 MR. TRAFICANT: To the best of my knowledge,  
4 no.

5 THE COURT: Okay.

6 (Proceedings held in the presence of the jury.)

7 THE COURT: Thank you. Be seated, please.  
8 Sir, if you will stand and raise your right hand.

9 ROBERT BARLOW,  
10 of lawful age, a witness called by the Defendant,  
11 being first duly sworn, was examined  
12 and testified as follows:

13 DIRECT EXAMINATION OF ROBERT BARLOW

14 BY MR. TRAFICANT:

15 Q. Good morning, Bob.

16 A. Good morning.

17 Q. Would you give your full name -- and sit up closer to  
18 the microphone, there is water there for you -- and give  
19 your full name and spell your last name for the Court?

20 A. My name is Robert Barlow, B A R L O W.

21 Q. And where do you reside?

22 A. I reside in Boardman, Ohio.

23 Q. What is your work background, employment history?

24 A. My work background is -- I worked for General  
25 Motors, which I am retired from, and I work for you,

Barlow - Direct

- 1 Congressman, part of your staff.
- 2 Q. How long did you work for General Motors?
- 3 A. Twenty five years.
- 4 Q. Did you have any position at General Motors?
- 5 A. I had a position with the union.
- 6 Q. What was your position with the union?
- 7 A. I was chairman of the political arm for the UAW.
- 8 Q. And what is the UAW union?
- 9 A. United Auto Workers of America.
- 10 Q. Were you born in America?
- 11 A. No.
- 12 Q. Where were you born?
- 13 A. England.
- 14 Q. What age did you come to America?
- 15 A. I was around twenty eight.
- 16 Q. You were twenty eight years old --
- 17 A. Yes.
- 18 Q. -- when you came to America.
- 19 Do you still have a little bit of an accent?
- 20 A. I assume so.
- 21 Q. Now, what is your position on my staff?
- 22 A. I am the labor liaison.
- 23 Q. In how many counties do you work?
- 24 A. Excuse me?
- 25 Q. In how many of the counties do you work?

Barlow - Direct

- 1 A. I work three counties.
- 2 Q. What are the three counties you work in?
- 3 A. Columbiana, Mahoning, and Trumbull.
- 4 Q. As a labor liaison, what did you do?
- 5 A. I assisted you with labor problems. I assisted some
- 6 of the retired pensioners from labor unions, and I assisted
- 7 you in resolving strikes.
- 8 Q. Who else assisted us in resolving strikes?
- 9 A. You did.
- 10 Q. Was there any other member of the staff that helped
- 11 us?
- 12 A. Yeah. Henry DiBlasio.
- 13 Q. Where were you located, in what office?
- 14 A. I was located at the Overhill office.
- 15 Q. What time in the morning would you arrive?
- 16 A. Approximately 6:00 o'clock in the morning.
- 17 Q. Would you meet with anybody in the morning?
- 18 A. Yes. I used to meet with Henry DiBlasio.
- 19 Q. Were you there before Mr. DiBlasio or was
- 20 Mr. DiBlasio there before you?
- 21 A. He was usually there before I arrived.
- 22 Q. Where was I usually during the week?
- 23 A. In Washington, D.C.
- 24 Q. Did you see me in the office on the weekends?
- 25 A. Yes.

Barlow - Direct

1 Q. Who was all located at that time in the Overhill  
2 office?

3 MR. MORFORD: Your Honor, he says "that  
4 time," we are not given a year. We don't know what time  
5 that is.

6 THE COURT: Just give us a time.

7 Q. At the time Mr. DiBlasio was administrative  
8 assistant, who all was on our staff?

9 A. Are you talking prior to the staff moving into the  
10 federal building?

11 Q. Yeah. After the staff moved into the federal  
12 building, what became of the Overhill building?

13 A. Henry DiBlasio was stationed there, Allen Sinclair,  
14 myself.

15 Q. And who else?

16 A. You.

17 Q. Did you see me and Henry together quite often?

18 A. Yes.

19 Q. Were you with us when we met?

20 A. Yes.

21 Q. Now, after Henry DiBlasio retired, do you know whom,  
22 if anybody, was hired as a legal counsel to the staff?

23 A. Yes.

24 Q. Who was that?

25 A. Allen Sinclair.

Barlow - Direct

- 1 Q. Did you ever see me with Mr. Sinclair?
- 2 A. Yes.
- 3 Q. Where was your office located in the building?
- 4 A. My office?
- 5 Q. Your office?
- 6 A. My office was located -- excuse me -- downstairs in
- 7 the lower level.
- 8 Q. You can get some water there. Now, after
- 9 Mr. DiBlasio left, where was my office?
- 10 A. Your office was where Henry DiBlasio had his office
- 11 originally.
- 12 Q. Whose office was right across the hall?
- 13 A. Allen Sinclair's.
- 14 Q. Did you see me with Mr. Sinclair?
- 15 A. Yes.
- 16 Q. Did you see me often with Mr. Sinclair?
- 17 A. Yes.
- 18 Q. Where would you see me with Mr. Sinclair?
- 19 A. You'd be sat across from his desk, back to the wall,
- 20 near the door, the entrance door to his office.
- 21 Q. What kind of a desk did Mr. Sinclair have?
- 22 A. He had an L-shaped desk.
- 23 Q. Could you get around the desk from both sides?
- 24 A. No.
- 25 Q. What side did you have to get around Mr. Sinclair's

Barlow - Direct

- 1 desk from?
- 2 A. The right-hand side, facing on the right-hand side.
- 3 Q. Did you ever see me talking with Mr. Sinclair at any
- 4 other place in the building?
- 5 A. Yeah, in what used to be the conference room there.
- 6 Q. And what was it then?
- 7 A. It was part kitchen and part conference room.
- 8 Q. And did you come up on occasions and join us?
- 9 A. Yes.
- 10 Q. Did Mr. Sinclair ever show any fear towards me?
- 11 A. No.
- 12 Q. Did any of my staff fear me?
- 13 A. No.
- 14 Q. Do you know of anybody that fears me back home?
- 15 A. No.
- 16 Q. Do I hug people?
- 17 A. Yes. You hug some people.
- 18 Q. Who do I hug?
- 19 A. People that you know, people that you like.
- 20 Q. Would you say these people were my friends?
- 21 A. Yes.
- 22 Q. Were you on occasions with me in public at public
- 23 events?
- 24 A. Yes.
- 25 Q. How would I react to people at public events?

Barlow - Direct

- 1       A.     You would shake hands with them if you weren't  
2       acquainted with them. If you were their friends you hugged  
3       them. Some came up and hugged you.
- 4       Q.     Did you know a Mrs. Jackie Bobby?
- 5       A.     Yes.
- 6       Q.     Do you know if she held a position in the campaign?
- 7       A.     Yes.
- 8       Q.     What was her position?
- 9       A.     She was the treasurer.
- 10      Q.     Was there a time when Mrs. Bobby left the staff?
- 11      A.     Yes.
- 12      Q.     Do you know why Mrs. Bobby left the staff?
- 13      A.     Yes.
- 14      Q.     Why did she leave the staff?
- 15      A.     Because you hired Claire Maluso, and she didn't like  
16      her.
- 17      Q.     Do you hold a position now in the campaign?
- 18      A.     Yes.
- 19      Q.     What is that position?
- 20      A.     Treasurer.
- 21      Q.     Did you ask Mrs. Bobby for the records?
- 22      A.     Yes.
- 23      Q.     Did Mrs. Bobby give you the records?
- 24      A.     She left some of the records in a box. She didn't  
25      give them to me. She brought them into the office and

Barlow - Direct

1       dropped them on the floor in a box.

2       Q.     Did you have to sort those records out?

3       A.     Yes.

4       Q.     Did you like Jackie Bobby?

5       A.     No.

6       Q.     Did you attempt to contact her about matters  
7       concerning the campaign --

8       A.     Yes.

9       Q.     -- records?

10      A.     Yes.

11      Q.     What, if anything, happened?

12      A.     I got a notification from the FEC, Federal Elections  
13      Commission, saying we had not filed a 48-notice on time,  
14      and I was unaware of that, because I hadn't -- I wasn't  
15      the treasurer at the time that it occurred. So I called  
16      Jackie Bobby to ask her about it, and she didn't respond.

17      Q.     Did she leave you hanging, learning the ropes on your  
18      own?

19      A.     Yeah.

20      Q.     Did you know a Mrs. Grace Yavorsky?

21      A.     Yes.

22      Q.     Where did she work?

23      A.     She worked in the federal building office.

24      Q.     Where did Mrs. Bobby work?

25      A.     In the federal building office.

Barlow - Direct

1 Q. Do you have knowledge that they were close friends?

2 A. As far as I know, they were not close friends, no.

3 Q. Did Henry DiBlasio work hard?

4 A. Yes, yes.

5 Q. What kind of public persona did he have? How was he  
6 in the public?

7 A. He was kind of a low key but conscientious person at  
8 his job.

9 Q. Did he ever fail to do anything you requested of him?

10 A. No.

11 Q. When you discussed labor issues with him, did he  
12 assist you?

13 A. Yes.

14 Q. Did there come a time when the federal courthouse  
15 office had a Christmas party over on Overhill Road?

16 A. Yes.

17 Q. Do you have any idea when that was?

18 A. I have an idea. I'm not sure of the exact date. I  
19 think it was in 1999.

20 Q. You are not sure of the year?

21 A. No. I am not absolutely sure.

22 Q. Without saying what you heard, did I say something  
23 that day to the staff?

24 A. Yeah.

25 Q. What did I say?

Barlow - Direct

1 MR. MORFORD: Objection. Hearsay.

2 THE COURT: Yes.

3 BY MR. TRAFICANT:

4 Q. Do you have knowledge of what I was referring to, to  
5 the staff?

6 A. Yeah. You were referring to --

7 MR. MORFORD: Objection.

8 THE COURT: Whoa, whoa. You can't testify as  
9 to what he said, because he could do that. Somebody can  
10 testify to a statement if they want to, but we can't take  
11 it to other people.

12 BY MR. TRAFICANT:

13 Q. Did I make a statement to the staff that day?

14 A. Yes.

15 Q. As a result of my having made that statement, what  
16 did you observe?

17 A. I observed Chuck O'Nesti leave the room.

18 Q. Did he leave the room or the building?

19 A. The building.

20 Q. When is the next time you saw Mr. O'Nesti?

21 A. Approximately five or ten minutes later.

22 Q. When you looked at Mr. O'Nesti, how did he appear?

23 A. He was crying.

24 Q. How many years have you been my campaign treasurer?

25 A. Since 1998.

Barlow - Direct

- 1 Q. Have you ever worked on my farm?
- 2 A. No.
- 3 Q. Have you ever been to my farm?
- 4 A. Yes.
- 5 Q. How many times have you been to my farm?
- 6 A. Several times.
- 7 Q. Did you ever do anything that wasn't office related
- 8 at my farm?
- 9 A. Excuse me?
- 10 Q. Did you ever do anything that wasn't office related
- 11 at my farm?
- 12 A. Yes.
- 13 Q. Explain that.
- 14 A. I was considered a mechanic because of my trade. I
- 15 was a tool and die maker. I removed cylinders from a high
- 16 lift tractor.
- 17 Q. When did you do it?
- 18 A. It was on a Saturday.
- 19 Q. How long did it take you to do it?
- 20 A. About 15, 20 minutes to remove it.
- 21 Q. After you removed it, did you take it anywhere, or
- 22 did you leave it?
- 23 A. No. I took it to a repair shop.
- 24 Q. Did you pay for it?
- 25 A. I don't recollect now.

Barlow - Direct

1 Q. Have you ever paid for anything for me?

2 A. Yes.

3 Q. Were you repaid?

4 A. Yes.

5 Q. How were you repaid?

6 A. By check.

7 Q. As campaign treasurer, did you ever give me any  
8 money?

9 A. No.

10 Q. Have I ever asked you for any money?

11 A. No.

12 Q. Now, do you know a Mr. John J. Cafaro, known as J.J.?

13 A. Yeah.

14 Q. What is his reputation?

15 A. Not very good.

16 Q. On what do you base that reputation?

17 A. I base it on a situation I had with him as the  
18 treasurer of the campaign. I was running a golf  
19 fund-raiser.

20 MR. MORFORD: Objection, Your Honor. This  
21 violates the rule against specific instances of conduct. He  
22 can testify to general reputation.

23 MR. TRAFICANT: Let me rephrase the question.

24 THE COURT: That would be good.

25 BY MR. TRAFICANT:

Barlow - Direct

1 Q. When you said that his reputation was not very good,  
2 was it based on personal knowledge you had, dealings with  
3 Mr. Cafaro?

4 A. Yes.

5 Q. What dealings did you have with Mr. Cafaro?

6 MR. MORFORD: Objection.

7 THE COURT: That will be the same objection.  
8 You can get into his general reputation.

9 BY MR. TRAFICANT:

10 Q. Did Mr. Cafaro attend our fund-raisers?

11 A. Yes.

12 Q. What, in fact, would he contribute to the  
13 fund-raisers?

14 MR. MORFORD: Objection.

15 THE COURT: You can answer that, if you know  
16 what he would contribute to the fund-raisers. Is that the  
17 question?

18 MR. TRAFICANT: Yes.

19 Q. What would he contribute to the fund-raisers?

20 A. He would contribute money to the fund-raiser. We had  
21 a system of raising the money. We had a green fee, posted  
22 a sign with his name on it to advertise it. We also allowed  
23 him to put golfers into the golf game, and --

24 MR. MORFORD: Objection. There is no  
25 question, Your Honor.

Barlow - Direct

1 THE COURT: He is answering the question.

2 MR. TRAFICANT: He is answering the question.

3 I object to these objections.

4 THE COURT: All right. Then let's just let  
5 him answer, counsel.

6 THE WITNESS: Can I continue, Judge?

7 THE COURT: Yeah, as to this answer of what  
8 did he contribute to the fund-raiser.

9 Q. Did he pay for the team and for his commercials as he  
10 had alleged to do?

11 A. No.

12 Q. Did you send him an invoice?

13 A. He told me to send him an invoice. I sent three  
14 invoices.

15 Q. Did he ever pay?

16 A. No. He never paid.

17 Q. Was his name widely spread around the golf course?

18 A. Yes.

19 Q. Had he made some contributions to the campaign over  
20 the years?

21 A. Yes.

22 Q. Is that when you developed that he had a bad  
23 reputation, because he lied to you about paying for this  
24 green fees and the team on the golf outing?

25 A. Yes.

Barlow - Direct

1 Q. Did Mr. Cafaro tell you personally he would pay?

2 A. He did.

3 Q. Now, having made contributions, did you expect him to  
4 keep his word?

5 A. Yes.

6 Q. And he did make some contributions, had he not?

7 A. Prior to that, yes.

8 Q. Is that the first time he gave us the shaft?

9 A. Yeah.

10 Q. Do you know approximately what year that might have  
11 been?

12 A. It was probably in 1999, around that area. I'm not  
13 sure of the date, no.

14 Q. It could have been earlier? Are you sure of the exact  
15 date?

16 A. It couldn't have been earlier than 1998 because  
17 that's when I took over as treasurer.

18 Q. Now, where was the golf outing held?

19 A. It was held at Avalon South in Warren.

20 Q. Do you know if he showed up?

21 A. Yes, he was there.

22 MR. MORFORD: Objection, Your Honor. Again,  
23 this goes back to the earlier objection.

24 THE COURT: I think he can testify to this,  
25 and there is a different reason than the objection you are

Barlow - Direct

1       posing. I think this may relate back to testimony that  
2       Cafaro made while he was on the stand, so I'm going to let  
3       you continue, but I don't want to go over the same ground,  
4       Congressman. You can continue with this as to this golf  
5       outing if you have some new information to release.

6       Q.     When Mr. Cafaro showed up did he present you with a  
7       check for what he owed you?

8       A.     No.

9       Q.     Well, were Jackie Bobby and Grace Yavorsky good  
10      friends?

11      A.     No.

12      Q.     Do you know if Jackie Bobby and Grace Yavorsky were  
13      fired?

14      A.     If they were what?

15      Q.     Fired?

16      A.     No, they weren't fired.

17      Q.     What, if anything, did they do?

18      A.     They resigned, or they left. I don't know what their  
19      official reason was, but they just walked out.

20      Q.     Did Jackie walk out first?

21      A.     Yes.

22      Q.     Did Grace then walk out later sometime?

23      A.     About a month later, yes.

24      Q.     Was it common knowledge why they left?

25      A.     Yes.



Barlow - Cross

1 Q. And what was that reason?

2 A. Because of the hiring of Claire Maluso.

3 MR. TRAFICANT: No further questions at this  
4 time.

5 THE COURT: Thank you. Cross-examination.

6 You may have to speak a little louder this time. I  
7 think it is hard to hear your voice way back.

8 THE WITNESS: You want me to get closer to  
9 the mike?

10 THE COURT: Well, I think that will help.  
11 Okay. Very well.

12 CROSS-EXAMINATION OF ROBERT BARLOW

13 BY MR. MORFORD:

14 Q. Good morning, Mr. Barlow.

15 A. Good morning.

16 Q. Mr. Barlow, would it be fair to say that you don't  
17 come into this Court as an unbiased witness in this case,  
18 do you, sir?

19 A. Yes.

20 Q. Well, sir, isn't it true that you are a very close  
21 personal friend of Congressman Traficant?

22 A. Yes. I am a very close friend.

23 Q. And, in fact, you are one of his closest, if not most  
24 trusted staff members, correct?

25 A. I believe I enjoy that position.

Barlow - Cross

1 Q. And, in fact, you are the one that goes and gets him  
2 up many mornings at the office. Is that correct?

3 A. Gets him up?

4 Q. Does he sometimes sleep at the office, sir?

5 A. Yeah.

6 Q. And aren't there days that you go there and get him  
7 up and make the coffee, and the two of you have coffee?

8 A. I make the coffee. He is always up when I get there.

9 Q. But you are usually the first person to see him in  
10 the morning, correct?

11 A. Yes.

12 Q. And you have worked for the Congressman for what,  
13 about eleven years now?

14 A. Eleven years.

15 Q. And it was the Congressman who hired you in 1991,  
16 correct?

17 A. That's correct.

18 Q. And it is the Congressman who sets your salary,  
19 correct?

20 A. That's correct.

21 Q. What is your current salary?

22 A. My current salary is \$47,000 per year.

23 Q. \$47,000 per year?

24 A. That's right.

25 Q. And how many hours do you have to work a week under

Barlow - Cross

1 office policy to earn your \$47,000 a year?

2 A. I believe the official hours that I have to work are  
3 30 hours per week.

4 Q. 30 hours per week?

5 A. Yeah.

6 Q. And how many hours do you actually work per week?

7 A. 40, 50.

8 Q. Sometimes less, sometimes more?

9 A. Not less, never less.

10 Q. Well, let me ask you this, sir:

11 During the week there is really nobody there to  
12 supervise you, correct?

13 A. That's correct.

14 Q. You kind of work on your own. Is that correct?

15 A. Not entirely on my own, no.

16 Q. Who is your direct supervisor?

17 A. My direct supervisor is the Congressman.

18 Q. He is your only boss, correct?

19 A. Yeah.

20 Q. And on Mondays he would generally drive to  
21 Washington, D.C., correct?

22 A. That's correct.

23 Q. And he would be there Tuesday through Thursday,  
24 correct?

25 A. Usually.

Barlow - Cross

1 Q. And then he would drive back on Fridays?

2 A. Yes.

3 Q. And isn't it true on the weekends he is spending a  
4 fair amount of time out at his farm?

5 A. Yes.

6 Q. He does a lot of work out at the farm, doesn't he,  
7 sir?

8 A. In the summer he does.

9 Q. Well, also in the spring and fall?

10 A. I don't know what he does during the spring or fall.  
11 I only know he does a lot during the summer because it is  
12 hay time.

13 Q. And, sir, the Congressman can actually fire you at  
14 will without cause at any time if he so chooses, correct?

15 A. I believe so.

16 Q. Now, in addition to being an employee of the  
17 Congressman, you are also a long time political crony of  
18 the Congressman, correct?

19 MR. TRAFICANT: Objection to the word  
20 "crony."

21 THE COURT: Okay. You can phrase that in  
22 another way.

23 Q. You are a long time political supporter and -- well,  
24 let's just go with supporter. You are a long time political  
25 supporter of the Congressman?

Barlow - Cross

1 A. Yes.

2 Q. And during the time you were the head of the  
3 political arm of the UAW you were a strong supporter of the  
4 Congressman?

5 A. Yes.

6 Q. And the last four years, you not only worked for him  
7 on his Congressional staff but helped run his campaigns,  
8 correct?

9 A. That's correct.

10 Q. Do you get paid to be his campaign treasurer?

11 A. No.

12 Q. Now, you are not allowed to do any of your campaign  
13 treasurer duties on official office time. Is that true?

14 A. That's correct.

15 Q. But there is no one there to supervise you. Is there  
16 any procedure set up to keep you from doing that, or checks  
17 and balances to make sure you are not doing that?

18 A. My integrity.

19 Q. But beyond that, there is no other checks and  
20 balances, correct?

21 A. No.

22 Q. Now, you served as the treasurer in this past  
23 campaign, in 2000, correct?

24 A. Right.

25 Q. And you worked very hard to try to get him elected to

Barlow - Cross

1 keep him in Congress, correct?

2 A. Yes.

3 Q. Now, when did you and Congressman Traficant first  
4 begin discussing the possibility of you testifying as a  
5 witness for him in this case, how long ago?

6 A. Maybe a couple months ago.

7 Q. Now, as someone who's very close with Congressman  
8 Traficant, probably as close as anyone, and who meets  
9 almost every morning with coffee, there were times you  
10 discussed this case with him, correct?

11 A. Not the trial, no.

12 Q. You never discussed the trial with Congressman  
13 Traficant prior to coming in here to testify today?

14 A. No, only what I read in the papers, that's all, only  
15 what's public news.

16 Q. Do you meet with him every day?

17 A. No.

18 Q. How about prior to trial, were you meeting with him  
19 every day prior to trial?

20 A. Prior to trial.

21 Q. Yes.

22 A. No.

23 Q. How often do you meet with him?

24 A. The weekends.

25 Q. And during the times you met with him during the

Barlow - Cross

1 weekends, it is your testimony that you never discussed  
2 anything with him about this trial?

3 A. Yeah. I'm sure we did.

4 Q. So you did talk about the trial with him?

5 A. Yeah.

6 Q. How many times have you and Congressman Traficant  
7 discussed your potential testimony here today?

8 A. I haven't.

9 Q. Prior to coming in here today he never went over with  
10 you what areas he was going to ask you about?

11 A. He told me basically what I'd be testifying to.

12 Q. So then you did talk to him about your testimony  
13 today before you testified, correct?

14 A. Yes, the information he gave me, what would happen.

15 Q. And isn't it true that during the time he talked with  
16 you he told you he was going to ask you about Henry  
17 DiBlasio, correct?

18 A. Yes.

19 Q. And didn't he tell you he would need you to say that  
20 Henry DiBlasio worked hard?

21 A. No. Everything he has ever said to me concerning the  
22 trial was to tell the truth.

23 Q. But in addition to that, when he was telling you the  
24 areas he would talk to you about, isn't it true that he  
25 suggested he would need to have you talk about how hard

Barlow - Cross

1 Henry DiBlasio worked?

2 A. I didn't need to be told that.

3 Q. You are saying he didn't discuss that fact with you?

4 A. No.

5 Q. Not at all?

6 A. No.

7 Q. Now, isn't it true that Congressman Traficant  
8 requested and received an order from this Court ordering  
9 the potential witnesses were not allowed to watch or listen  
10 to any part of this trial before they testified?

11 A. I believe it was, yes.

12 Q. And isn't it true that despite that order that  
13 Congressman Traficant requested that you actually went  
14 downstairs and watched portions of this trial?

15 A. No. I didn't go downstairs and watch it on my own  
16 volition.

17 Q. That's not my question. Weren't you sitting in the  
18 room downstairs?

19 A. I was sitting in the room downstairs.

20 Q. And you watched Allen Sinclair testify, correct?

21 A. No. I didn't watch Allen Sinclair.

22 Q. Who did you watch testify?

23 A. I didn't watch anybody testify.

24 Q. Well, you were in the room, sir?

25 A. I was in the room. I was on the right-hand side of

Barlow - Cross

1 the room where the screen was turned off. The screen wasn't  
2 on. When I got into that room, the left-hand side of the  
3 room where the screen was was all occupied by the press and  
4 other people.

5 Q. And isn't it true that the press and the other people  
6 were watching the proceedings in that room, sir?

7 A. Yeah, they were.

8 Q. And you were there with them while they were watching  
9 the proceedings, correct?

10 A. Not until some people left, and I moved over to where  
11 I could see the screen.

12 Q. Well, sir, you were in the room where the screen,  
13 where the trial was on, correct?

14 A. Yeah.

15 Q. But it is your testimony you weren't watching it?

16 A. No. I couldn't see.

17 Q. What were you doing in the room in the first place?

18 A. I was -- I was inadvertently led to that room.

19 Q. Well, when you got to the room you realized that was  
20 the trial on the TV screen, correct?

21 A. Yes.

22 Q. And you knew because you talked to Congressman --

23 A. No. I did not know that the witnesses were  
24 prohibited from being -- having access to what was going  
25 on at the trial. I did not know that until after I had come

Barlow - Cross

1 out of the room.

2 Q. You mean to say that Congressman Traficant, who had  
3 talked to you about being a witness in this case, hadn't  
4 bothered to tell you that he had an order from the Court  
5 that all witnesses were to be excluded from watching these  
6 proceedings, sir?

7 A. I was never informed of that.

8 Q. Congressman Traficant didn't bother to tell you that?

9 A. No.

10 Q. Okay.

11 A. As a matter of fact, I didn't learn it until I read  
12 it in the newspaper.

13 Q. So during the times he talked to you about testifying  
14 he never told you that?

15 A. No.

16 Q. Now, you were asked some questions by Congressman  
17 Traficant regarding strikes, whether Henry DiBlasio helped  
18 settle strikes. Settling of strikes was not a daily duty  
19 or occurrence for you guys, was it? That was not something  
20 you were doing every day?

21 A. No.

22 Q. Every week?

23 A. No.

24 Q. Every month?

25 A. No.

Barlow - Cross

1 Q. It was actually fairly infrequent occasion, correct?

2 A. Infrequent, yeah.

3 Q. A couple strikes?

4 A. Three or four, yeah. Four.

5 Q. Over a period of eleven years we are talking three or  
6 four strikes?

7 A. Yeah.

8 Q. You were also asked some questions about the office  
9 setup. Isn't it true that during the time that the entire  
10 staff was at 11 Overhill Road before they opened up the  
11 federal courthouse there was actually a two-story setup;  
12 that all of the staff, except for Henry DiBlasio and  
13 Congressman Traficant, were downstairs?

14 A. Yes.

15 Q. And then Henry DiBlasio had his law office upstairs,  
16 correct?

17 A. Right.

18 Q. And then Congressman Traficant had like a little  
19 studio apartment, correct?

20 A. Yes.

21 Q. And he sometimes slept in that studio apartment,  
22 correct?

23 A. I don't know.

24 Q. You don't know that?

25 A. I can't testify to that.

Barlow - Cross

1 Q. Well, you worked there for eleven years, did you not,  
2 sir?

3 A. Yes.

4 Q. Have you ever been in that apartment?

5 A. Not until after he moved into the office -- not  
6 until they went -- I had never been in that office  
7 upstairs until after the staff moved to the federal  
8 building.

9 Q. What year did you start, 1991?

10 A. 1991, yes.

11 Q. And what year did they move to the federal building?

12 A. I'm not sure what year.

13 Q. Approximately? How many years after you started?

14 A. About '95.

15 Q. So you worked there for about four years before you  
16 moved to the federal building?

17 A. Yes.

18 Q. And it is your testimony you worked for the  
19 Congressman for four years, and you never stepped foot in  
20 his office?

21 A. Yes.

22 Q. After they moved to the federal building, there were  
23 times that you were inside that apartment, correct?

24 A. Yes.

25 Q. And isn't it true it was more of a studio apartment

## Barlow - Cross

- 1       than an office?
- 2       A.     It was set up like an office.
- 3       Q.     Was it also set up like a studio apartment?
- 4       A.     No.
- 5       Q.     Were there clothes?
- 6       A.     There were clothes, yeah.
- 7       Q.     Is that an ordinary thing to see in a working office?
- 8       A.     It is in Congressman Traficant's office.
- 9       Q.     Was there a little kitchenette?
- 10      A.     I'm not sure of that.
- 11      Q.     How many times were you in his office, sir?
- 12      A.     Probably in there several times.
- 13      Q.     You don't know if there was a kitchenette?
- 14      A.     No. I don't know if there was a kitchenette.
- 15      Q.     Were you ever in the office at Raccoon Road, the
- 16      office he moved to after he left Overhill?
- 17      A.     Yeah.
- 18      Q.     Describe to me the layout of that office, if you
- 19      would.
- 20      A.     Pardon?
- 21      Q.     Describe the layout of that office, if you would.
- 22      A.     The office consists of three rooms.
- 23      Q.     All on one floor?
- 24      A.     All on one floor.
- 25      Q.     And what are those three rooms?

Barlow - Cross

1       A.     There is the main room that you walk into when you go  
2       in the office, there is the Congressman's office off the  
3       main room, and there is a back office, which is my office,  
4       and there is a closet.

5       Q.     Is there also an apartment upstairs?

6       A.     Yes.

7       Q.     And who has the apartment upstairs?

8       A.     The Congressman.

9       Q.     Is that paid for with Congressional funds, to your  
10      knowledge?

11      A.     Not to my knowledge.

12      Q.     You work there in the building, do you not, sir?

13      A.     Yeah, I work in the building.

14      Q.     And what's your understanding, that's something he  
15      rents apart from the Congressional space?

16      A.     I don't have anything to do with the financial part  
17      of paying for that office.

18      Q.     So you have no idea whether that's part of the  
19      overall rental office by Congress?

20      A.     No. I don't know what the agreement is on that.

21      Q.     And he sleeps in that apartment, correct?

22      A.     No.

23      Q.     Aren't there times that you go there and he slept in  
24      that apartment, sir?

25      A.     No.

## Barlow - Cross

- 1 Q. Have you ever been up in that apartment?
- 2 A. Yeah. I've been up in that apartment.
- 3 Q. Does he have clothes up in that apartment?
- 4 A. Yeah, he has clothes.
- 5 Q. What else is up in that apartment?
- 6 A. A kitchen and a bathroom.
- 7 Q. Is there any kind of a bed?
- 8 A. No.
- 9 Q. Couch?
- 10 A. No.
- 11 Q. Nothing, just a big empty room?
- 12 A. He has a big table up there.
- 13 Q. Anything else?
- 14 A. And a chair.
- 15 Q. No couch, no bed, nothing?
- 16 A. No.
- 17 Q. Is there anyplace anyone could sleep up there?
- 18 A. Anyplace --
- 19 Q. That anyone could sleep up there?
- 20 A. If they wanted to sleep in the chair, yeah.
- 21 Q. It is your testimony you are never aware of him
- 22 having slept up in that office?
- 23 A. No, I'm not.
- 24 Q. What's that used for, that apartment?
- 25 A. Just storage.

Barlow - Cross

1 Q. Now, you testified on direct examination about farm  
2 work, and you said that you'd never done work out at the  
3 farm. Is that correct?

4 A. Yes.

5 Q. And then you came back and said there was one time  
6 when you went out and helped fix the machine?

7 A. Yeah, but I -- let me clarify that. When you asked  
8 if I worked at the farm, I assumed I was asked if I was  
9 doing farm work. That was not farm work. I considered farm  
10 work working in the fields, working in the stables.

11 Q. How about fixing farm equipment, you don't consider  
12 that farm work?

13 A. No.

14 Q. In response to his question you said there was one  
15 time you were out there to fix machines. Isn't it true  
16 there were several times you went out there to fix farm  
17 equipment, not just one?

18 A. Twice I went out there to fix farm equipment.

19 Q. Just twice?

20 A. I put a grease nip on a rake in a matter of 15  
21 minutes.

22 Q. So it is your testimony you had just been out there  
23 doing that on two occasions?

24 A. Yeah.

25 Q. When you did go out to the farm, it was at

Barlow - Cross

1 Congressman Traficant's direction, correct?

2 A. Not necessarily, not necessarily.

3 Q. At whose direction did you go out there?

4 A. My own.

5 Q. Do you recall being asked these questions when you  
6 testified before the grand jury on October 10th, 2000:

7 "Question: On how many occasions have you  
8 been sent out to the farm?

9 "Answer: I was not sent out. We went out.

10 "Question: Went out. Okay. On how many occasions  
11 have you gone out?

12 "Answer: About four."

13 Do you recall that?

14 A. No.

15 Q. Was there an occasion where you went out with another  
16 staffer named Denny Johnson to do work at the farm?

17 A. The night that I told you I put a grease nip on,  
18 yeah, Denny Johnson was with me. He brought me a pair of  
19 vice grips with me.

20 Q. At the times you have been out there to fix equipment  
21 you have never been paid. Is that correct?

22 A. That's correct.

23 Q. You were asked some questions about Henry DiBlasio's  
24 duties. Isn't it true in addition to whatever Congressional  
25 duties Henry DiBlasio was doing that he had a full-time law

Barlow - Cross

1 practice that he was engaged in?

2 A. I believe so.

3 Q. Well, you worked there, sir. I'm not asking what you  
4 believe. Isn't it true he had a full-time law practice?

5 A. No. I didn't -- I worked there, but I worked  
6 downstairs, and I didn't know what Henry DiBlasio was doing  
7 during the day.

8 Q. So you didn't know what Henry DiBlasio did during the  
9 day?

10 A. No. I only know what he was doing when I was with  
11 him in the mornings.

12 Q. And you were not with him very much during the day,  
13 correct?

14 A. Not during the day.

15 Q. You would meet with him for coffee in the mornings?

16 A. In the mornings, yes.

17 Q. And for the rest of the day you had no idea what he  
18 was doing, did you?

19 A. No.

20 Q. So whether he was doing Congressional work or law  
21 work, you have no way of knowing that, do you?

22 A. The only way I have of knowing is what he told me.

23 Q. Apart from what he would tell you he was doing, if he  
24 was sitting up in his office working on law work and  
25 telling you he is doing Congressional work, you have no way

Barlow - Cross

1 of knowing that, do you, firsthand knowledge?

2 A. No.

3 Q. You did know this, sir: Isn't it true that some of  
4 the other staff employees complained to you at times they  
5 felt Henry DiBlasio was not doing Congressional work to the  
6 extent he was supposed to?

7 A. Can you be more specific about who complained?

8 Q. I want to ask you, do you ever recall any of the  
9 other staff members coming to you and complaining that  
10 Henry DiBlasio was not doing the amount of work he should  
11 be doing?

12 A. No. Nobody would complain to me. That wasn't my  
13 position.

14 Q. Well, do you recall testifying again before the grand  
15 jury on October 10th, 2000, being asked these questions and  
16 giving these answers:

17 "Question: Have you ever heard or had anyone  
18 ever suggested that anyone that was employed" -- excuse  
19 me, wrong question.

20 "Were you aware that there were several employees who  
21 were dissatisfied with the fact that Henry DiBlasio in  
22 their opinion was doing very little work but getting the  
23 most pay? Did you ever hear people complain about that  
24 type of thing?

25 "Answer: Yeah. I heard that.

Barlow - Cross

1 "Question: Who were the people that made those  
2 comments?

3 "Answer: Jackie Bobby, Grace Yavorsky."

4 Wasn't that your testimony before the grand jury,  
5 sir?

6 A. Yeah. But you asked if they complained to me. They  
7 weren't complaining to me.

8 Q. Who were they complaining to?

9 A. They were complaining amongst themselves, Grace and  
10 Jackie.

11 Q. So you were aware that employees were complaining  
12 about the fact that Henry DiBlasio --

13 A. You asked me if they complained to me. No, they did  
14 not complain to me.

15 Q. But you are aware that there were people making that  
16 --

17 A. I was --

18 MR. TRAFICANT: Objection. Asked and  
19 answered.

20 THE COURT: You can answer, sir.

21 A. I can answer. Would you repeat the question, please?

22 Q. But you were aware that employees were complaining  
23 about the fact that Henry DiBlasio was making the most  
24 money and doing the least amount of work, correct?

25 A. There was animosity, yeah. There was animosity

Barlow - Cross

1       amongst two members of the staff.

2       Q.     And you yourself had no idea how much Congressional  
3       work Henry DiBlasio was doing, correct?

4       A.     No.

5       Q.     Now, you were asked some questions about J.J. Cafaro  
6       agreeing to underwrite something for the golf outing and  
7       failing to do it. Do you recall that?

8       A.     Yes.

9       Q.     Now, you and Congressman Traficant talked about that  
10      before you came in here today, correct?

11      A.     Yes.

12      Q.     And you are the campaign treasurer, correct?

13      A.     That's correct.

14      Q.     And all you had to do was pick up the report and look  
15      at it to look and see whether J.J. Cafaro wrote a check or  
16      didn't write a check, correct?

17      A.     Yes. I could have done that, yes.

18      Q.     Did you bother doing that?

19      A.     No.

20      Q.     So when you testified it might have been 1998 that  
21      J.J. Cafaro stiffed the campaign, you have no idea whether  
22      that's true or not?

23      A.     Yeah. I'm talking from memory.

24      Q.     But you could have looked at the report, sir,  
25      correct?

Barlow - Cross

1 A. I could have looked at the report.

2 Q. Is that what you are --

3 A. I could have looked at the report. First of all, I am  
4 not exactly sure of which year it was, but I'm absolutely  
5 sure that the last time that he attended our golf outing  
6 that he did not pay for what he committed to.

7 Q. But as far as the year, whether it was 1998 or 1999,  
8 I would like to show you what I'm going to mark as  
9 Government Exhibit -- make this 8-100.

10 MR. MORFORD: Your Honor, may I put this up  
11 on the screen?

12 MR. TRAFICANT: I would like to see a copy of  
13 it --

14 THE COURT: All right.

15 MR. TRAFICANT: -- before he puts it on the  
16 screen. I ask it be made a Joint Exhibit.

17 THE COURT: It can be a Joint Exhibit, but  
18 it is 8-100.

19 MR. MORFORD: 8-100.

20 THE COURT: Do you want to say something  
21 about what it is?

22 BY MR. MORFORD:

23 Q. Mr. Barlow, I'm going to hand this to you for a  
24 minute before I put it on the screen and have you identify  
25 it.

Barlow - Cross

1 Do you recognize this document, sir?

2 A. Yeah, I recognize it.

3 Q. Is that your signature at the bottom?

4 A. It is my signature.

5 Q. Would you tell the jury what this is?

6 A. This is a report of the receipts and disbursements  
7 for the year 1998.

8 Q. And this is a report that you have to file with whom?

9 A. The FEC, Federal Election Commission.

10 Q. And this is, in fact, a report you did file with the  
11 Federal Election Commission, right?

12 A. That's right.

13 Q. I'd like to turn your attention to what is marked at  
14 the top here as Page 3 of 4, particularly down here, there  
15 is an item that says "full name and mailing address, John  
16 J. Cafaro."

17 A. Yeah.

18 Q. "Name of employer, Cafaro Company"?

19 A. Yeah.

20 Q. "Date; month, day, year; August 5th, 1998, \$900." Do  
21 you see that?

22 A. Yeah.

23 Q. And that related to the golf outing, correct?

24 A. Yes.

25 Q. So as far as you not being able to remember what year

Barlow - Cross

1       it is, the year that you weren't paid would have been 1999,  
2       not August of 1998, correct?

3       A.     I don't know what year it was.

4       Q.     Well, you know you were paid in 1998 because you  
5       reported it?

6       A.     Yeah. I was paid in 1998.

7       Q.     Okay. And you said you were not the campaign  
8       treasurer prior to 1998, correct?

9       A.     Yes, I was not.

10      Q.     So it would have had to have been some year after  
11      that?

12      A.     Yes.

13      Q.     And you don't know whether it was 1999 or 2000?

14      A.     No.

15      Q.     But one of those two years?

16      A.     One of those, yeah.

17      Q.     Now, I want to ask you a little bit more, Congressman  
18      Traficant had asked you about your duties as campaign  
19      treasurer and asked you whether or not you had ever given  
20      him cash from a campaign. Was that the question?

21      A.     Yes.

22      Q.     And you said no, correct?

23      A.     Right.

24      Q.     Now, there is a system in which you allow him to  
25      receive funds from the campaign to pay for his meals,

Barlow - Cross

1 correct?

2 A. Yes.

3 Q. And why don't you go ahead and explain to the jury  
4 how that works.

5 A. He submits -- he submits bills to me for travel and  
6 food. He gives me the receipts.

7 Q. Now, as the rules are set up, he is only allowed to  
8 give you receipts for meals that are directly related to  
9 the campaign, and you are only allowed to reimburse those  
10 to the extent they are directly related to the campaign,  
11 correct?

12 A. Yes.

13 Q. But the truth is, you don't have any meaningful  
14 procedure set up to in any way determine whether or not  
15 when he gives you a receipt for meals it is actually  
16 related to the campaign or not, correct?

17 A. No, I don't witness it, if that's what you mean.

18 Q. You don't have a form he signs, correct?

19 A. No.

20 Q. You don't have anything where he has to list out who  
21 he took and what the political purpose was, correct?

22 A. No. The only form I do are the ones the FEC  
23 requires.

24 Q. If he comes to you and gives you a restaurant  
25 receipt, you write him a check based entirely on his word,



Barlow - Cross

1 correct?

2 A. Yes.

3 Q. And whether it is personal or political, you have no  
4 way of knowing other than by what he told you, correct?

5 A. Right.

6 Q. And isn't it true, in one year alone there were  
7 \$15,000 worth of meals that you gave him checks for?

8 A. I don't know that. I don't know that I gave him that  
9 much.

10 Q. Well, how much is the largest amount you recall  
11 giving him in a year?

12 A. I don't recall any amounts. I'd have to look through  
13 the records.

14 Q. Do you recall a time when a newspaper ran an article  
15 criticizing your campaign because the meal expenses were so  
16 high compared to other local congressmen?

17 A. Yes.

18 Q. And isn't it true they requested from you the backup  
19 documentation as to those meal expenses?

20 A. Yes.

21 Q. And isn't it true that you told them that you could  
22 not give it to them because Congressman Traficant said he  
23 would not provide that information?

24 A. No. I told them I would not give it to them.

25 Q. And if they said that you told them the Congressman

Barlow - Cross

1 wouldn't, that was a misquote?

2 A. If they said that, yes.

3 Q. Okay.

4 A. I distinctly said I would not give it to them, and  
5 they asked me why. I said there is ten reasons why.

6 Q. Why wouldn't you give them the backup?

7 A. The ten reasons for the way they treated Congressman  
8 Traficant during an election, and I was not obligated to  
9 give it to them. So the way they treated us, I treated them  
10 likewise.

11 Q. And isn't it true, sir, that you have no backup?

12 A. That I have no --

13 Q. You have no backup to show that these were political  
14 versus personal expenditures, correct?

15 A. I have all the receipts.

16 Q. But apart from all the receipts from a restaurant,  
17 that doesn't show whether it is political or personal?

18 A. No.

19 Q. So you have no backup to show whether it is personal  
20 or political?

21 A. The only backup I could have is if I was there at the  
22 time.

23 Q. And the reason you have no backup is because you take  
24 Congressman Traficant at his word, correct?

25 A. Correct.

Barlow - Cross

1 MR. MORFORD: May I have a moment, Your  
2 Honor?

3 THE COURT: Yes.

4 (Pause.)

5 MR. MORFORD: I have nothing further.

6 THE COURT: Congressman?

7 MR. TRAFICANT: Your Honor, it is 10:35. If  
8 you want me to continue, I will continue. If you want to  
9 take a break, we can take a break.

10 THE COURT: Then what we will do is give the  
11 jury their break. It will be 30 minutes, because in the  
12 interim we will do voir dire on break, some more things the  
13 Court has to do with the lawyers, but you still get a  
14 30-minute break. Okay.

15 MR. TRAFICANT: Your Honor, I will need five  
16 minutes.

17 THE COURT: Okay. We will take a  
18 five-minute break for the rest of the people who have to be  
19 here so we can get organized to go into this next session  
20 of this.

21 (Thereupon, a recess was had.)

22 (Proceedings in the presence of the Jury:)

23 THE COURT: Thank you, sir. You are still  
24 under oath, and we need you to speak into that microphone.  
25 Thank you.

## Barlow - Redirect

1 REDIRECT EXAMINATION OF ROBERT BARLOW

2 BY MR. TRAFICANT

3 Q. Do you have immunity, Bob?

4 A. No.

5 Q. Did you ever meet with the FBI or the IRS?

6 A. No.

7 Q. Are we good friends?

8 A. Yes.

9 Q. Were you recommended by someone when you got the job?

10 A. Yes.

11 Q. Who recommended you for that job?

12 A. My predecessor, Jack O'Connell.

13 Q. Were you and I associates or friends before then?

14 A. Yes.

15 Q. Were we very close friends before you got hired?

16 A. Yes.

17 Q. Now, you recall a number of questions by the

18 prosecutor. Was J.J. Cafaro good for his word?

19 A. No.

20 Q. Now, when you were asked about Henry DiBlasio, did he  
21 ever fail to report back to you on any issue or any problem  
22 that you related to him?

23 A. No.

24 Q. Now, when you were asked about the newspaper wanting  
25 information about expenses, you said you gave them ten

Barlow - Redirect

1 reasons. Why did you give them those ten reasons?

2 A. Those ten reasons was they were notifying the public  
3 that they should not vote for you; that you weren't a  
4 responsible Congressman.

5 Q. In other words, the newspaper -- your testimony is  
6 the newspaper gave ten reasons why they should vote against  
7 Jim Traficant?

8 A. Yes.

9 Q. And you said no?

10 THE COURT: That's a good example of the  
11 testimony coming from the person asking the question, and I  
12 will ask you to disregard that last question that had to do  
13 with the newspaper.

14 BY MR. TRAFICANT:

15 Q. Is the reason why you gave the answer ten reasons --

16 MR. MORFORD: Objection.

17 Q. -- anything to do with the newspaper column?

18 THE COURT: It is the same problem.

19 Q. Were the FEC reports available to the public record?

20 A. Yes.

21 Q. Is there any place to sleep in the storage room out  
22 in Canfield?

23 A. No.

24 Q. Is there a large table/desk in that room?

25 A. Yes.

## Barlow - Redirect

- 1 Q. What, if anything, is it used for?
- 2 A. You use it for your paperwork.
- 3 Q. What else is that facility used for upstairs?
- 4 A. Storage.
- 5 Q. Where do I sleep in Canfield?
- 6 A. Downstairs in your office.
- 7 Q. What, if anything, is in my office downstairs?
- 8 A. Would you repeat that, please?
- 9 Q. What is in my office downstairs?
- 10 A. Oh, your desk and your couch, TV, clothes.
- 11 Q. Now, they showed you a '98 report. Is that correct?
- 12 A. Yes.
- 13 Q. Did J.J. Cafaro pay for the last golf outing?
- 14 A. No.
- 15 Q. Did you ever visit the farm in office clothes?
- 16 A. Yes.
- 17 Q. How many times?
- 18 A. A few times.
- 19 Q. Did we have a campaign strategy?
- 20 A. Yes.
- 21 Q. Was I very well known throughout my district?
- 22 A. Very well known.
- 23 Q. And what was one of those campaign strategies?
- 24 A. That you would circulate around restaurants and meet
- 25 with people. It was part of our campaign strategy to keep

## Barlow - Redirect

1 us in the eye of the public. It was the cheapest way that  
2 we could campaign. We didn't have a lot of money to  
3 campaign, so we used it to the best of our advantage.

4 Q. In the campaign that was the most heated, was I the  
5 incumbent?

6 A. Yes.

7 Q. Did my two opponents raise more money than I raised  
8 in that race?

9 A. Yes.

10 Q. What did we have in the bank?

11 A. Now?

12 Q. No. What do we have in the bank now?

13 A. \$40,000.

14 Q. What's the normal amount of money that a  
15 Congressional campaign raises?

16 THE COURT: Your campaign? Excuse me. Your  
17 campaign?

18 BY MR. TRAFICANT:

19 Q. What's the normal amount of money that we raise, Bob?

20 THE COURT: Thank you.

21 A. The normal amount of money that we raise is in the  
22 range of \$150,000.

23 Q. Now, did we have a carryover over many years?

24 A. Yes.

25 Q. If we did not have that carryover would we be able to

## Barlow - Redirect

1 compete in that prime -- that campaign?

2 A. No.

3 Q. Do you know if I am a candidate for office this year?

4 A. Yes.

5 Q. Do you know on what party I am seeking election?

6 A. Independent.

7 MR. MORFORD: Objection. This is way beyond  
8 the scope of cross.

9 THE COURT: You can answer.

10 Q. Do you know what party I am seeking reelection as?

11 A. As an independent.

12 Q. What have I always been elected as?

13 A. As a Democrat.

14 MR. TRAFICANT: No further questions.

15 THE COURT: Thank you.

16 MR. MORFORD: Nothing, Your Honor.

17 THE COURT: Thank you, sir. Now you are  
18 excused.

19 THE WITNESS: Now I'm excused?

20 THE COURT: Yes, sir. Thank you.

21 THE WITNESS: Thank you.

22 MR. TRAFICANT: Your Honor, I call Mr. George  
23 Hooker.

24 THE WITNESS: Judge, can I ask you a  
25 question?

Hooker - Direct

1 THE COURT: Not right now, sir, sorry,  
2 because we are in the middle of a hearing. Okay? Maybe my  
3 staff can help you if you have a question, someone right  
4 there in the hall. There is a door on the left. Ring the  
5 doorbell.

6 THE COURT: Good morning, sir. Come around  
7 and up these steps. Okay. Would you please raise your right  
8 hand?

9 GEORGE HOOKER,  
10 of lawful age, a witness called by the Defendant,  
11 being first duly sworn, was examined  
12 and testified as follows:

13 THE COURT: Thank you, sir. Have a seat. You  
14 have to speak up in this room. It is a very big room, and  
15 they need to hear you all the way in the back. There is a  
16 microphone. If you want to do that and talk into it, you  
17 can do that.

18 DIRECT EXAMINATION OF GEORGE HOOKER

19 BY MR. TRAFICANT:

20 Q. George, give us your full name, and spell your last  
21 name for the record.

22 A. George Hooker.

23 Q. And how do you spell that?

24 A. H O O K E R.

25 Q. And where do you reside?

Hooker - Direct

- 1 A. Uhrichsville, Ohio.
- 2 Q. Were you scheduled to be here yesterday?
- 3 A. Yes, I was.
- 4 Q. Was there a reason why you couldn't be here
- 5 yesterday?
- 6 A. Yeah. I was sick yesterday.
- 7 Q. Did you notify me of that?
- 8 A. Yes. I called you.
- 9 Q. What is your current employment?
- 10 A. I am self-employed.
- 11 Q. And what, if anything, do you -- what is your
- 12 pursuit of business?
- 13 A. I am in the trucking business.
- 14 Q. And how many years?
- 15 A. Oh, over 50.
- 16 Q. Did you ever work at my farm?
- 17 A. No.
- 18 Q. Did an agent of the Federal Bureau of Investigation
- 19 come to visit you?
- 20 A. Yes.
- 21 Q. Approximately when?
- 22 A. Maybe seven or eight months ago.
- 23 Q. What was the purpose of his visit?
- 24 A. He questioned me about a horse that I had sold to
- 25 you.

Hooker - Direct

- 1 Q. When did you sell me that horse?
- 2 A. In 1985.
- 3 Q. 1985?
- 4 A. Yes.
- 5 Q. Do you remember the name of that horse?
- 6 A. Peter Wolf.
- 7 Q. Was he a registered horse?
- 8 A. Yes, he was.
- 9 Q. What breed?
- 10 A. American Saddlebred.
- 11 Q. Did I buy that horse?
- 12 A. Yes, you did.
- 13 Q. What were the terms of the sale?
- 14 A. \$3,500.
- 15 Q. Was that the total paid for the horse?
- 16 A. Yes.
- 17 Q. Did you require a deposit?
- 18 A. Yes, I did, \$500.
- 19 Q. Did you know if I had \$500 on me?
- 20 A. Well, you came up with it, the \$500, yes.
- 21 Q. Was there anybody with me?
- 22 A. Yes, your trainer.
- 23 Q. Who was that?
- 24 A. Sandy Ferrante.
- 25 Q. What do you know about Sandy Ferrante?

Hooker - Direct

1       A.     Well, I only know her through the horse shows and  
2       breeding of horses. I know her for 30 or 40 years.

3       Q.     Did anyone in your family show horses?

4       A.     Yes, my son showed.

5       Q.     Was Sandy a reliable person?

6       A.     What was that question?

7       Q.     Was Sandy a reliable person?

8       A.     Well, I found her to be, so, yes.

9       Q.     Do you know her mother?

10      A.     Yes, I did know her mother.

11      Q.     What was her nickname?

12      A.     I believe it was Turnpike. I'm not sure about that,  
13      but I think it was.

14      Q.     George, who delivered the horse?

15      A.     I did.

16      Q.     And where did you deliver the horse to?

17      A.     To your farm.

18      Q.     Do you know where that was?

19      A.     I can't tell you exactly. It was up at Boardman  
20      someplace, but I'm not exactly sure where.

21      Q.     Did you get paid, and did you receive money when you  
22      delivered that horse?

23      A.     Yes. I had a \$500 deposit, and I got a check for  
24      \$3,000.

25      Q.     Was that the total amount of money that that horse

Hooker - Direct

1 sold for?

2 A. Yes.

3 Q. Did you once offer to sell me another horse?

4 A. Yeah. I offered to sell you another horse.

5 Q. Do you remember how much you offered to sell me the  
6 horse for?

7 A. Which horse are you referring to?

8 Q. Did you have occasion to show me a horse behind the  
9 barn with a low back?

10 A. The low back, yes, I remember that.

11 Q. And how much did you offer to sell me that horse for?

12 A. I believe it was \$1,500.

13 Q. Did I buy the horse?

14 A. No.

15 Q. Did you end up selling the horse?

16 A. Yes.

17 Q. How much did the horse bring?

18 A. \$45,000.

19 Q. Do you ever know what happened to Peter Wolf?

20 A. Yeah. I heard what happened to him, yes.

21 Q. What, if anything, happened to Peter Wolf?

22 MR. KALL: Objection, Your Honor. This calls  
23 for hearsay.

24 THE COURT: You can answer if you know what  
25 happened to Peter Wolf.

Hooker - Direct

1 THE WITNESS: Yeah. I know what happened to  
2 him.

3 BY MR. TRAFICANT:

4 Q. What happened to him?

5 THE COURT: Ask him how he knows, and then  
6 we will get there.

7 Q. How did you know about it?

8 A. I ran into -- I think you traded him first to Dr.  
9 Roberts, and Dr. Roberts told me --

10 THE COURT: Okay. That's hearsay, and you  
11 have to disregard what Dr. Roberts said. Okay.

12 BY MR. TRAFICANT:

13 Q. To the best of your knowledge, did Peter Wolf become  
14 a great show horse?

15 A. He became a carriage horse, and he did well as a  
16 carriage horse.

17 Q. Would that be considered a major or minor class?

18 A. I would say major.

19 MR. TRAFICANT: No further questions.

20 THE COURT: Thank you. Any questions?

21 MR. KALL: No questions, Your Honor.

22 THE COURT: Sir, you are released. You can  
23 step down. Be careful of the steps.

24 THE COURT: Who's next?

25 MR. TRAFICANT: Anthony Traficanti.

Traficanti - Direct

1 THE COURT: Sir, good morning.

2 THE WITNESS: Good morning, Judge.

3 THE COURT: Would you put up your right hand  
4 up, please?

5 ANTHONY T. TRAFICANTI,  
6 of lawful age, a witness called by the Defendant,  
7 being first duly sworn, was examined  
8 and testified as follows:

9 THE COURT: Thank you, sir. Have a seat, and  
10 use the microphone if you need to, but make your voice is  
11 heard throughout.

12 THE WITNESS: Okay. May I have some water?

13 THE COURT: Yes. Go ahead and pour it.  
14 That's what it is there for.

15 THE WITNESS: Thank you.

16 DIRECT EXAMINATION OF ANTHONY T. TRAFICANTI

17 BY MR. TRAFICANT:

18 Q. Good morning, Anthony. Can you hear me?

19 A. Yes, sir. Good morning to you.

20 Q. Would you give your complete name and spell your last  
21 name for the jury?

22 A. My complete name is Anthony Todd Traficanti. It is T  
23 R A F I C A N T I.

24 Q. And where do you reside?

25 A. 2817 Poland Village Boulevard, Poland, Ohio.

## Traficanti - Direct

1 Q. And where are you currently employed?

2 A. With the Congressional office by Congressman James A.  
3 Traficant, Jr., Youngstown, Ohio.

4 Q. What position do you hold?

5 A. Title of regional director.

6 Q. What office do you work out of?

7 A. The Youngstown office, federal courthouse building.

8 Q. Now, as regional director, how many counties do you  
9 have?

10 A. Mahoning and Columbiana County.

11 Q. Do you have any other employment?

12 A. Yes.

13 Q. What other employment do you have?

14 A. I am a part-time instructor at Youngstown State  
15 University, and I also have my own trucking business.

16 Q. What do you teach at Youngstown State University?

17 A. I am in the sociology department.

18 Q. What courses?

19 A. Intro level courses, political sociology, intro,  
20 those types of courses, deviants, those types of classes.

21 Q. Are you in your trucking business affiliated with any  
22 company?

23 A. I don't understand your question.

24 Q. Is your trucking business associated with any other  
25 trucking firm?

## Traficanti - Direct

- 1 A. No, sir.
- 2 Q. Is it located at any other trucking firm?
- 3 A. No, sir.
- 4 Q. Is your father involved in the trucking business?
- 5 A. Yes.
- 6 Q. And in what company is he involved?
- 7 A. B&T Express.
- 8 Q. What is your total annual income from all of these
- 9 sources?
- 10 A. This is only an estimate, and I can't be exact, but
- 11 probably somewhere about \$300,000.
- 12 Q. A year?
- 13 A. Yes. But I'm just giving you an estimation.
- 14 Q. How long have you worked for me?
- 15 A. It will be eleven years.
- 16 Q. How did we first come to meet relative to employment?
- 17 A. You have been a lifelong friend of my family, and I
- 18 have known you since I believe I have been in the seventh
- 19 grade. My dad introduced me to you.
- 20 Q. What, if anything, did you request of me?
- 21 A. I asked you for a job.
- 22 Q. Did you ask for a job with me or for a job?
- 23 A. Help getting a job.
- 24 Q. Did you get a job?
- 25 A. With you I did.

Traficanti - Direct

1 Q. Were you able to get a job with anybody else?

2 A. No, sir.

3 Q. Did you ever explain to me why you had a rough time  
4 getting a job anywhere else?

5 A. Yeah. The discussion ensued concerning my dad's  
6 involvement in your first trial.

7 Q. Do you know what the status of your father was in my  
8 first trial?

9 A. My best recollection, I think he was a campaign  
10 worker. I can't really recall. That was almost, I believe,  
11 20 years ago.

12 Q. Do you know if he was mentioned in the indictment?

13 A. Which indictment?

14 Q. In my first trial?

15 A. Yes.

16 Q. Do you know how he was related, called, or termed in  
17 the first trial?

18 A. I couldn't hear that.

19 MR. MORFORD: Objection.

20 THE COURT: You will need to show how this  
21 connects back into something we are talking with this  
22 witness about now.

23 Q. Do you have any knowledge of to what your father's  
24 involvement was in the first trial?

25 A. Over the years I came to know it to be that he was

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1 the unindicted co- --

2 MR. MORFORD: Objection. If it is coming  
3 from over the years, Your Honor. It is hearsay.

4 THE COURT: Okay. We can't do it that way,  
5 Congressman.

6 BY MR. TRAFICANT:

7 Q. Do you have knowledge of what your father had to do  
8 in the first trial?

9 MR. MORFORD: Your Honor, I'm going to object  
10 unless he can show firsthand knowledge.

11 THE COURT: Well, right. Let's see whether  
12 or not he can. You said it was twenty years ago. Do you  
13 have some personal knowledge about it or is it all  
14 something someone else told you?

15 THE WITNESS: I now know what he was involved  
16 with, what he was --

17 THE COURT: But do you know it because you  
18 had a way of being involved in it, or is it something that  
19 you have been told?

20 THE WITNESS: I have been told.

21 THE COURT: Okay. That's the problem.

22 MR. TRAFICANT: Pardon?

23 THE COURT: That's the problem. Whoever told  
24 him you can bring in, if you want to, put him on the stand  
25 under oath so they can be cross-examined.

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1 BY MR. TRAFICANT:

2 Q. Do you know if I was acquitted?

3 A. Yes.

4 Q. When you came to me for employment were you a college  
5 graduate?

6 A. Yes.

7 Q. Where did you graduate from?

8 A. Youngstown State University.

9 Q. Have you received any additional education?

10 A. Yes.

11 Q. What is it?

12 A. Master's of science degree in education from  
13 Youngstown State University, and I am also a licensed  
14 social worker in the State of Ohio.

15 Q. What duties do you perform in my one regional office?

16 A. I am in charge of the managerial aspects of the  
17 office. I coordinate all staff activity in relation to  
18 constituent services, helping people fill their calls, a  
19 litany of things. Reading mail, writing letters, and so  
20 forth.

21 Q. Did at some point the FBI send evidence relative to  
22 this case? Do you have knowledge that the Government sent  
23 documents to the Youngstown federal courthouse relative to  
24 this case?

25 A. Yes.

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1 Q. And who, in fact, took possession of them?

2 A. I accepted them on your behalf.

3 Q. Where are they now?

4 A. They are locked in your office in the downtown  
5 federal building.

6 Q. Have I looked at them?

7 MR. MORFORD: Objection.

8 THE COURT: You can testify to that but he  
9 can't testify whether you looked at them.

10 Q. To the best of your knowledge, have I ever come down  
11 there to look at the documents?

12 A. No, sir.

13 Q. Did you become concerned about that?

14 A. Yes.

15 MR. MORFORD: Objection as to relevance of  
16 this.

17 THE COURT: You can answer.

18 A. Yes.

19 Q. Did you send partial things up to me in my  
20 administrative office?

21 A. Yes.

22 Q. Do you have any knowledge that I looked at those?

23 A. I would assume you would have.

24 THE COURT: Well, we have to talk --

25 A. -- but I have no knowledge that you did.

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1 THE COURT: That's fine.

2 Q. Did you have any knowledge that I looked at it?

3 A. I would assume that you did. I would hope you did.

4 Q. Did you have knowledge that I did?

5 THE COURT: He has already testified three  
6 times.

7 MR. TRAFICANT: He said he assumed.

8 THE COURT: Well, and then he said he hoped  
9 you would.

10 MR. TRAFICANT: He assumed, he hoped.

11 Q. I'm asking, did you have knowledge, did you see me  
12 look at any of the evidence?

13 A. I can't answer that. I wasn't -- I assume you did.  
14 You told me that you did, but I don't know. I sent it to  
15 you as you requested that I do.

16 Q. How much of it did you send?

17 A. A couple envelopes. I couldn't recall the exact  
18 pages, but there were certain specifications and items that  
19 you asked for that I sent up there. I don't recall.

20 Q. Is a lot of this stuff still down at the courthouse?

21 A. Yes.

22 Q. Do you have immunity, Anthony?

23 A. No, sir.

24 Q. Do you know what immunity is?

25 THE COURT: We are going to instruct the

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1 jury on that. I do that, not you, Congressman, not through  
2 a witness. You remember that, right? We have been over  
3 that four, maybe five times.

4 Q. Do you instruct course work relative to any criminal  
5 activities at the university?

6 A. I have taught an intro to criminal justice course at  
7 Youngstown State.

8 Q. Do you have personal knowledge of what immunity  
9 means?

10 MR. MORFORD: Objection.

11 A. Yes.

12 THE COURT: Congressman, stop it.

13 MR. TRAFICANT: I object for the record.

14 BY MR. TRAFICANT:

15 Q. Now, Anthony, when is the first time the FBI  
16 contacted you?

17 A. It was in June, I think June 6th of 2000, they came  
18 to my house. I could be wrong with the date, but to my best  
19 knowledge, I believe it was a Wednesday.

20 Q. Did you get any prior notice?

21 A. I received a phone call from a gentleman that advised  
22 me that he would be at my door within two minutes. The  
23 conversation went, they know who I am, I don't know who  
24 they are, but please be at your door in two minutes.

25 I was in a hurry that morning. I had to present a

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1 flag for you at the Poland Library dedication, and it just  
2 happened so fast, and they'd come to my door in about two  
3 minutes. It was the FBI.

4 Q. Did they ring the buzzer, or how did they --

5 A. No. They hit the door pretty hard with their hand,  
6 with their fist. It scared me.

7 Q. What was that?

8 A. It scared me.

9 Q. Was there anybody in the home with you?

10 A. Yes.

11 Q. Who was home with you at the time?

12 A. My mother.

13 Q. Did they identify themselves?

14 A. When I came to the door, yes.

15 Q. Did your mother know who they were?

16 A. No. She woke up out of bed and was looking out of  
17 the window and was asking me what was wrong, who hit the  
18 door and who was there.

19 Q. And when you told her who was there, what was her  
20 reaction?

21 A. Well, she wasn't happy. She was kind of startled and  
22 concerned.

23 Q. What, if anything, did you tell -- how many agents  
24 came to your house?

25 A. Two.

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1 Q. What, if anything, did they want?

2 A. They wanted to talk to me. They asked if they could  
3 come in, and they told me in relation to basically what the  
4 investigation was about, and I had advised the agents that  
5 I had a deadline to be at Poland Library down at the town  
6 hall. It was quarter to 9:00, and I had to present a flag  
7 for you and be there, and they insisted on staying. But I  
8 told them I had to go, and I would be more than happy to  
9 talk to them after, and they said, "Fine, we will follow  
10 you down there, and then when you are done presenting the  
11 flag on behalf of the Congressman, meet us in the second  
12 floor of -- the second floor of the village hall, town  
13 hall."

14 Q. Now, I would like to become specific, and I would  
15 like you to respond to me in brief terms. I want to make  
16 some points here.

17 Did you at the conclusion of presenting that flag go  
18 to the Poland City Hall?

19 MR. MORFORD: Objection, Your Honor. This is  
20 his witness, and there should not be leading questions with  
21 his witness.

22 THE COURT: Just ask --

23 Q. Did you go to the Poland Village Hall after you  
24 presented the flag?

25 A. Yes.



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1 Q. Did you meet with the two agents?

2 MR. MORFORD: Objection as to who is  
3 testifying here.

4 THE COURT: There is a way to ask these  
5 questions so that he can provide the answers, because the  
6 jury can only consider the answers he provided. So it very  
7 much will help you along if you will ask them, and you know  
8 how to do it. Just take a minute and ask him.

9 BY MR. TRAFICANT:

10 Q. Did you go across the street to the Poland Village  
11 Hall and meet with the two agents as they requested?

12 A. Yes.

13 MR. MORFORD: Objection to the leading  
14 questions of his witness.

15 THE COURT: All right. Let's go back around,  
16 take a minute, and think about what it is you are trying to  
17 establish as evidence, and get it to come from the witness.

18 Q. Did you present the flag at the Poland Village Hall?

19 A. Yes.

20 MR. MORFORD: Objection. He is testifying. I  
21 object to leading questions.

22 Q. What, if anything, did you do after you left your  
23 house, Anthony?

24 A. I went to the event and I sat through the ceremony.

25 Q. What event?

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1 A. The dedication of the unveiling of the new Poland  
2 Library. The architects and so forth were there.

3 Q. Then what did you do?

4 A. As I was told. I went up to the second story of the  
5 village hall. I call it the village hall, town hall, and  
6 the agents were there waiting for me.

7 Q. How many agents were in the room?

8 A. There were two.

9 Q. How big was the room?

10 A. Eight by ten, eight by eight, I don't know.  
11 Something. It was not that big.

12 Q. Did both agents question you?

13 A. No.

14 Q. Only one agent questioned you?

15 A. One agent did the questioning.

16 Q. What did the other agent do?

17 A. Just stared at me.

18 Q. Did you feel intimidated?

19 A. Yes. I was scared, nervous, sure.

20 Q. Did that second agent ever stop staring at you?

21 A. No.

22 Q. Did the FBI ever --

23 MR. MORFORD: Objection. He is doing the  
24 testifying, and he is saying yes or no. It is his witness.

25 THE COURT: You know the old journalistic

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1 list of questions, who, what, when, where, how? You are  
2 trying to get testimony out of him, not you, because he  
3 can't consider what you say.

4 BY MR. TRAFICANT:

5 Q. Was it your knowledge that you were free to leave?

6 A. No, not when they were questioning me, absolutely  
7 not.

8 Q. Did they ever tell you you couldn't leave?

9 A. No.

10 Q. Did you answer their questions truthfully?

11 A. Yes.

12 Q. What, if anything, happened at that meeting?

13 A. It was a lot of questions. It was all about you.

14 Q. After that meeting, what did you do?

15 A. I left and went home, called my dad. I was very shook  
16 up.

17 Q. What, if anything, did you learn subject to that  
18 phone call?

19 A. That the FBI raided my father's business.

20 Q. How many times did you meet with the FBI, Anthony?

21 A. Twice.

22 Q. Were they the same two agents that came the first  
23 time?

24 A. Yes -- no. No, not the second meeting I had. The one  
25 agent was there, but the other agent wasn't. There was a

## Traficanti - Direct

1 different agent. Mr. Denholm and Mr. Pikunas.

2 Q. Do you know who was at the first meeting?

3 A. Agent Pikunas and I believe Agent Wilson.

4 Q. Did you go to work that day?

5 A. Later that afternoon, yes.

6 Q. What was your status when you were first employed?

7 A. I was -- with you, Congressman?

8 Q. Yes.

9 A. Part-time, part-time faculty -- or case worker. I  
10 actually volunteered before I was on part time, but my  
11 employment history was you started me part time.

12 Q. Did you work with a man by the name of Richard  
13 Rovnak?

14 A. Yes.

15 Q. Did he come to the office?

16 A. Yes.

17 Q. Did he come to the office regularly?

18 A. I seen him there when I was there.

19 Q. Did you have knowledge of what his employment status  
20 was?

21 A. Case worker. He worked on cases and answered phones  
22 like I did.

23 Q. Do you know if he was full time or part time?

24 A. I believe he was part time, to the best of my  
25 knowledge.

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- 1 Q. Did you work together with Mr. Rovnak?
- 2 A. Yes.
- 3 Q. Did you ever see him absent for weeks at a time?
- 4 A. Weeks at a time?
- 5 Q. Yeah.
- 6 A. No.
- 7 Q. Did you ever noticeably see him miss work?
- 8 A. No.
- 9 Q. Do you know if Mr. Rovnak was ever put on full time
- 10 on the Congressman's staff?
- 11 A. I don't believe so. I don't think he was.
- 12 Q. Did you know Jackie Bobby?
- 13 A. Yes.
- 14 Q. Did you like Jackie Bobby?
- 15 A. Deep down, no.
- 16 Q. Did she ever ask you to escort her anywhere?
- 17 A. Yes.
- 18 Q. Where did she ask you to escort her to?
- 19 A. To the bank, get an ice cream cone.
- 20 Q. Did you go to the bank with her?
- 21 A. Yes.
- 22 Q. Did you ever make deposits at the bank?
- 23 A. Yes.
- 24 Q. Are these downtown banks you are talking about?
- 25 A. Downtown Youngstown and downtown Boardman. I worked

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1 on Overhill, the Overhill Road office.

2 Q. Did you ever see her make any deposits when she  
3 worked at Overhill Road?

4 A. Yes.

5 Q. Did she make any cash deposits?

6 A. I believe once I witnessed her do that. She purchased  
7 bonds for her grandkids.

8 Q. Did you know Grace Yavorsky?

9 A. Yes. Excuse me, yes.

10 Q. Were Grace and Jackie friends?

11 A. No. Maybe on the surface, but not -- I wouldn't say  
12 they were, the information I had working with them, no.

13 Q. How would you describe their relationship?

14 A. Like I said, on the surface, they appeared to be  
15 friendly, but they were mainly -- they were adversaries.

16 Q. Adversaries over what?

17 A. Well, one would talk about the other, and they always  
18 complained about their salaries, you know. One felt one was  
19 more qualified than the other, and they used to complain a  
20 lot. Jackie said she should be making more money than Grace  
21 because she had a college degree, those types of things.  
22 There was a lot of ego, power struggles between the two.

23 Q. Did you know Chuck O'Nesti?

24 A. Yes.

25 Q. Was Chuck O'Nesti close friends with Jackie Bobby --

## Traficanti - Direct

- 1 A. No.
- 2 Q. -- and Grace?
- 3 A. No.
- 4 Q. So you had once worked and were located on Overhill  
5 Road, correct?
- 6 A. Yes.
- 7 Q. And where was the Congressional office located?
- 8 A. Well, we eventually moved downtown into the federal  
9 courthouse building.
- 10 Q. When you were on Overhill Road, where was the service  
11 sector of the office located?
- 12 A. Youngstown.
- 13 Q. On Overhill Road, where was -- how many floors were  
14 there at Overhill Road?
- 15 A. Two.
- 16 Q. Where was the service section of the office located  
17 on Overhill Road?
- 18 A. First floor.
- 19 Q. And was there an upper floor?
- 20 A. Yes.
- 21 Q. And what was the upper floor used for?
- 22 A. Henry DiBlasio's offices was up there.
- 23 Q. Who else's offices were up there?
- 24 A. Yours.
- 25 Q. What was that office space known as?

## Traficanti - Direct

1 A. Which one, Congressman?

2 Q. The upper floor?

3 A. Administrative office, your office.

4 Q. Did you meet with Mr. DiBlasio?

5 A. Yes.

6 Q. Did you go up there and talk with him?

7 A. I went up on occasions, but Henry always came  
8 downstairs and talked to me. Yeah, I talked to him.

9 Q. Were you a friend of Henry's?

10 A. Yes.

11 Q. What kind of matters did you refer to Henry DiBlasio?

12 A. Matters dealing with technicalities of law, economic  
13 development issues, those types of things.

14 Q. Did he ever fail to perform those duties?

15 A. No. Henry was pretty prompt if you asked him to do  
16 something or if he gave you something. He expected that  
17 you would answer him as he would you.

18 Q. What kind of an administrator was he?

19 A. Delegator, dedicated to his work, nice guy.

20 Q. Did Henry DiBlasio have a law practice there?

21 A. I believe he did.

22 THE COURT: Congressman, it is noon.

23 MR. TRAFICANT: I have more questions, Your  
24 Honor, and I ask that we take a break.

25 THE COURT: Very well. We are going to

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1 recess for lunch. I'm going to ask the lawyers to stay  
2 here because we have to do some work. We will recess the  
3 jury until 1:30. You are on recess until 1:30. Thank you.

4 (Proceedings held out of the presence of the jury.)

5 THE COURT: The jury hasn't come out yet, so  
6 what we will do is give everybody five minutes. That will  
7 give the jury time to get out. We will just give you five  
8 minutes right now, the court reporters as well, and then  
9 come back in, and we will work along with you, Mr. Kopp, on  
10 this issue.

11 MR. TRAFICANT: We are free to leave now?

12 THE COURT: Well, you have five minutes  
13 because the jury is out.

14 (Recess had.)

15 THE COURT: Do we have everybody here right  
16 now?

17 MR. KOPP: Are you ready to have him now?

18 THE COURT: Yes.

19 MR. KOPP: Let me just tell him to come in.

20 THE COURT: Let's all be seated.

21 THE COURT: Hello, you can come right up to  
22 the witness stand, and your lawyer can come right with you.

23 THE WITNESS: Hi. Let me put you under oath.

24 RUSSELL SAADEY, JR.,

25 of lawful age, a witness called by the Defendant,

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1                   being first duly sworn, was examined

2                   and testified as follows:

3                   THE COURT:    Have a seat.  Mr. Kopp, you can  
4                   sit where you wish.  That seat is on casters, and don't go  
5                   flying.

6                   MR. KOPP:    I will take my chances.

7                   THE COURT:    We need to put a little bit on  
8                   the record here because we are in a different day, and this  
9                   came up yesterday.  So I just want to have you put your  
10                  name on the record right now, if you will, sir and we will  
11                  have your lawyer identify himself.  And then I am going to  
12                  make a few remarks about what this inquiry is about.

13                  THE WITNESS:  Russell Saadey, Jr.

14                  THE COURT:    Can you spell your last name?

15                  THE WITNESS:  S, like in Sam, A A D E Y.

16                  THE COURT:    Mr. Kopp?

17                  MR. KOPP:    Yes.  I am Brian Kopp, B R I A N, K  
18                  O P P, and I am the attorney for Russell Saadey.

19                  THE COURT:    Okay.  And this all arose as a  
20                  result, as I understand it, of a subpoena for you to appear  
21                  as a witness for the Defendant, and your attorney was here  
22                  in Court, and we arranged now for a time out of the hearing  
23                  of the jury to accommodate what your attorney anticipated  
24                  might occur in the event that you were to testify here  
25                  regarding both direct and, I guess, cross-examination.

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1 Is that correct, Mr. Kopp?

2 MR. KOPP: That is correct.

3 THE COURT: All right. Congressman?

4 VOIR DIRE DIRECT EXAMINATION OF RUSSELL SAADEY, JR.

5 BY MR. TRAFICANT:

6 Q. Do you have a nickname?

7 A. Yes, I do.

8 Q. And what is it?

9 A. Champ.

10 Q. Are you related to me?

11 A. Through marriage, yes.

12 THE COURT: Maybe you can -- if you want to  
13 hold that in your hand, make it easier for you.

14 THE WITNESS: I feel like a rock star.

15 THE COURT: Sure.

16 Q. Have you and I been friends?

17 A. Yes.

18 Q. Are you related to James Sabatine?

19 A. Yes, I am.

20 Q. How are you related to James Sabatine?

21 A. He is my brother-in-law. He is married to my sister  
22 Geri.

23 Q. Did you have occasion to meet with Mr. Sabatine  
24 shortly after a visit by the FBI?

25 A. Yes.

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1 Q. How was he behaving? How did he look? What was his  
2 appearance?

3 A. Quite nervous.

4 MR. MORFORD: Your Honor, can we get a time  
5 frame on that?

6 THE COURT: I'm sorry. What?

7 MR. MORFORD: Can we get a time frame on  
8 that?

9 THE COURT: Well, the Congressman can ask  
10 him.

11 BY MR. TRAFICANT:

12 Q. Do you remember a rough time frame?

13 A. It was around the time that he met with the FBI. We  
14 are a very close family, so I see a lot of my family.

15 Q. Do you love Jimmy Sabatine?

16 A. Absolutely.

17 Q. Was he visibly shaking?

18 A. Yes.

19 THE COURT: Okay. Now, Congressman, there is  
20 an example of where if we had a jury here, the jury would  
21 have trouble sorting that out. You could ask him, you know,  
22 why do you think he was whatever he was testifying what he  
23 was, and let him describe what it was.

24 BY MR. TRAFICANT:

25 Q. Why did you testify he was very stressed out?

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1 A. Why did I testify that he was very stressed out?

2 Q. Yes.

3 A. Because he was visibly upset.

4 Q. Was there any other mannerisms about him?

5 A. No. He was just upset.

6 Q. Did Mr. Sabatine make statements to you about why he  
7 was upset?

8 A. Yes, he did.

9 Q. Do you have knowledge of what Mr. Sabatine said  
10 specifically?

11 THE WITNESS: Can I talk to my lawyer for a  
12 minute, please?

13 THE COURT: Yes, okay.

14 MR. KOPP: Your Honor, he has a question.

15 If I may, are you asking him, Congressman, what he  
16 said after the interview?

17 BY MR. TRAFICANT:

18 Q. Shortly after the interview with the FBI, did he make  
19 a statement to you when he was stressed?

20 (Consulting with lawyer.)

21 A. Yes.

22 THE COURT: You should show the consulting  
23 with the lawyer. I know you are not used to doing that, but  
24 that should be in the transcript. Thank you.

25 BY MR. TRAFICANT:

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1 Q. When he made the statement, was he still in a state  
2 of stress?

3 A. Yes, he was.

4 Q. What statement did he make to you?

5 A. He was nervous about -- he was forced to cooperate  
6 or he would lose everything he had.

7 Q. Was he still under stress when he made that statement  
8 and further statements?

9 A. Yes, he was.

10 Q. Did he make any further statements?

11 (Consulting with lawyer.)

12 A. Not off the top of my head, I don't remember. He was  
13 just upset that he had to -- he had to cooperate or he  
14 would lose everything that he had.

15 Q. Did he ever bring up the term bribes?

16 A. He had told me he never bribed you. He said he  
17 donated to your campaign.

18 Q. Was he still in a state of stress when he made that  
19 statement?

20 A. He has been pretty well stressed out for the last few  
21 months, sir, or since this began.

22 Q. Was he much more stressed out right after the FBI as  
23 he is now?

24 A. Oh, absolutely.

25 Q. Did you ever meet with the FBI relative to my case?

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1 A. I have to exercise my Fifth Amendment rights on the  
2 advice of my attorney.

3 Q. Did the FBI ever make any representations to you that  
4 if you would cooperate with them they would help you in  
5 your problem?

6 ^ (consulting with attorney.)

7 MR. KOPP: Your Honor, the way that is asked,  
8 we would once again raise our rights, but I don't know if  
9 he is getting into his interview in relation to Mr.  
10 Saadey's case --

11 THE COURT: You will just have to advise  
12 your client. The Congressman asks the questions.

13 BY MR. TRAFICANT:

14 Q. Did you meet with the FBI --

15 A. I'm sorry. Will you go ahead and ask the question  
16 again?

17 Q. When you met with the FBI, did they bring up my case?

18 (Witness conferring with his counsel.)

19 A. On the advice of my counsel, with that question I  
20 would have to raise my Fifth Amendment right.

21 Q. Have you been convicted by a jury for a felony  
22 offense?

23 A. As far as I know, a jury has found me guilty.

24 Q. Have you yet to be sentenced?

25 A. That is correct.

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1 Q. Did the FBI ever make any representations to you  
2 regarding me?

3 (Witness conferring with his counsel.)

4 A. I was contacted by the FBI.

5 Q. And did they make any representations to you  
6 regarding me?

7 (Witness conferring with his counsel.)

8 A. I once again have to exercise my Fifth Amendment  
9 right on the advice of my attorney.

10 Q. Did the FBI ask questions of you concerning me?

11 (Witness conferring with his counsel.)

12 A. Yes, they did.

13 Q. What was the purposes of their questions asked of you  
14 concerning me?

15 THE COURT: Congressman -- don't answer  
16 that question. Congressman, the purpose of somebody else  
17 can't be answered by this witness.

18 BY MR. TRAFICANT:

19 Q. What did you say to the FBI when they, in fact --

20 A. I have to exercise my Fifth Amendment right on the  
21 advice of my counsel.

22 Q. Is there anything of that meeting with the FBI that  
23 you could testify to that would explain your state of mind  
24 at that time?

25 (Witness conferring with his counsel.)

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1 A. It was my understanding if I cooperated I would be  
2 given consideration.

3 Q. Were the U. S. Attorneys ever mentioned in that  
4 conversation?

5 A. No.

6 MR. SMITH: Did he answer?

7 A. I said no. I'm sorry, Bernie, Mr. Smith.

8 Q. Now, when they said cooperation, did you make any  
9 statements to the FBI?

10 A. I need to exercise my Fifth Amendment right on the  
11 advice of my attorney.

12 Q. When they used the term cooperation, were they  
13 referring to anything, whether it was true or not?

14 MR. SMITH: Well, I would object if a jury  
15 were here, given what the FBI was thinking.

16 THE COURT: It is the same problem. He won't  
17 know what was in their minds. If you ask -- you may be  
18 able to ask the question --

19 BY MR. TRAFICANT:

20 Q. What was your impression when they used the term  
21 cooperation?

22 (Witness conferring with his counsel.)

23 MR. KOPP: Can we have the question read back?

24 THE COURT: Yes. Can you read it back?

25 (Question read by the reporter.)

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1 (Witness conferring with his counsel.)

2 A. I was told by the FBI agent that I would be given  
3 consideration for testimony or information.

4 Q. What consideration did they discuss with you?

5 (Witness conferring with his counsel.)

6 (Question read by the reporter.)

7 (Witness continuing to confer with his counsel.)

8 A. Leniency or possibly immunity.

9 Q. When they discussed leniency or helping you, what was  
10 your impression of the information they wanted?

11 A. I have to exercise my Fifth Amendment.

12 Q. Was it your impression that these were promises made  
13 by the FBI?

14 A. I would have to say yes.

15 Q. Was it your impression that your statements needed to  
16 be truthful?

17 (Witness conferring with his counsel.)

18 A. Absolutely.

19 Q. Did you ever get the impression that if you weren't  
20 truthful you could have received the same consideration?

21 MR. KOPP: The question was impression?

22 (Question read by the reporter.)

23 (Witness continues to confer with his counsel.)

24 A. My impression was whatever consideration I can give  
25 would bring me -- whatever information I could give would

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1 bring me consideration.

2 Q. Could you have at that time given them a lie and made  
3 a deal?

4 Was it your impression that at that time, if you gave  
5 them something false, you could make a deal?

6 MR. SMITH: Well, again, if a jury were here  
7 I would object on grounds of speculation.

8 THE COURT: Yeah, but there is no jury here.

9 MR. TRAFICANT: There is no jury here --

10 MR. SMITH: I don't want to waive my rights.  
11 I object.

12 THE COURT: Congressman --

13 MR. TRAFICANT: I object to his objection.

14 THE COURT: Do you want to have this  
15 inquiry, Congressman?

16 MR. TRAFICANT: Yes, I do.

17 THE COURT: Thank you. Would you allow us to  
18 go forward now?

19 MR. TRAFICANT: I'm trying to.

20 THE COURT: Thank you.

21 MR. KOPP: I would like to say something for  
22 the record because we are getting into some --

23 THE COURT: Okay, you can, but your main  
24 purpose is to advise your client during a voir dire, during  
25 which he has and may continue to on some questions invoke

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1 the Fifth Amendment and on others not invoke the Fifth  
2 Amendment. So we are just trying to gather all of these up  
3 so they can be analyzed and handled in a proper way and  
4 handled outside the hearing of the jury.

5 A. I invoke my Fifth Amendment.

6 THE COURT: Thank you.

7 BY MR. TRAFICANT:

8 Q. Was it your impression that they were attempting to  
9 have you make statements that were false?

10 (Witness conferring with his counsel.)

11 A. My impression was they were putting a lot of pressure  
12 on me, and what they wanted from me, I cannot say.

13 Q. You are under oath. You have the right to that the  
14 Fifth Amendment. I am going to ask you this question again:  
15 Did they care whether or not you made a truthful or  
16 untruthful statement to them at that time?

17 MR. SMITH: Objection. He has no knowledge  
18 what they were thinking.

19 THE COURT: He can't talk for what somebody  
20 else was doing, but you can rephrase the question.

21 BY MR. TRAFICANT:

22 Q. Was it your impression at that time that they didn't  
23 really care if what you said was true or false, that they  
24 just wanted a statement for your deal?

25 MR. SMITH: Same objection.

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1 THE COURT: Well, it is a different  
2 situation. You can answer.

3 (Witness conferring with his counsel.)

4 A. I have to invoke my Fifth Amendment right.

5 Q. Champ, isn't it a fact that you would like to see  
6 some of the things that happened in your case as evidence  
7 in my case be stopped?

8 (Witness conferring with his counsel.)

9 A. My case is still pending. Any reference concerning my  
10 case, I am going to have to invoke my Fifth Amendment  
11 right.

12 Q. Isn't it your impression that things are going on in  
13 my case that you have personal knowledge of with Jim  
14 Sabatine you would like to see stopped?

15 (Witness conferring with his counsel.)

16 A. Yes.

17 Q. Why?

18 (Witness conferring with his counsel.)

19 A. In my opinion, pressure can put witnesses in tough  
20 positions.

21 Q. And is it your impression that putting witnesses in  
22 tough positions would imply that the FBI would accept a  
23 false statement?

24 MR. SMITH: Again, we will object on the  
25 basis of what the FBI was willing to accept. He doesn't

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1 know.

2 THE COURT: Right.

3 MR. TRAFICANT: I'm asking his impression.

4 MR. SMITH: Well, that's just another way of  
5 asking the same thing.

6 THE COURT: It is another way of asking the  
7 same thing. There may be another question you can pose.

8 MR. TRAFICANT: Would you read the question  
9 and the witness' answer?

10 (Record read.)

11 THE COURT: If you can ask a different  
12 question to get at what you are trying to get at.

13 BY MR. TRAFICANT:

14 Q. When the FBI was talking to you at that time, were  
15 you in a stressful situation?

16 A. I exercise my Fifth Amendment right.

17 Q. When you said that witnesses are put under extreme  
18 pressure, did you feel that pressure was being levied on  
19 you to make a statement?

20 A. I have to exercise my Fifth Amendment right.

21 Q. Did the FBI ever say to you that if you gave them  
22 what they wanted you would walk?

23 (Witness conferring with his counsel.)

24 A. As I stated earlier, I was told if I cooperated that  
25 I would be given immunity or consideration.

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1 Q. Yes. But you said your impression was that witnesses  
2 are under extreme pressure, and having said so --

3 THE COURT: I think he said a lot of  
4 pressure.

5 MR. TRAFICANT: Pardon?

6 THE COURT: I think he said a lot of  
7 pressure.

8 MR. TRAFICANT: Lot of pressure.

9 BY MR. TRAFICANT:

10 Q. You do agree there was pressure on or about the time  
11 that you were meeting with those FBI agents? Yes or no.

12 (Witness conferring with his counsel.)

13 THE COURT: Designate which case you are  
14 talking about so he knows --

15 MR. TRAFICANT: Mr. Saadey himself.

16 THE COURT: I know. But in his case or in  
17 your case?

18 MR. TRAFICANT: Relative to my case.

19 THE COURT: Okay. Thank you.

20 MR. TRAFICANT: Not relative to his case;  
21 relative to my case.

22 THE COURT: Okay.

23 MR. TRAFICANT: I want to stipulate for the  
24 record that I am not inquiring about Mr. Saadey's case, nor  
25 trying to involve his case. I simply want information he

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1 has or has knowledge of concerning anything that was said  
2 by anyone relative to my case alone.

3 THE COURT: Thank you for that  
4 clarification.

5 BY MR. TRAFICANT:

6 Q. Now, relative to my case, was it your impression that  
7 the FBI was willing to accept any statement you would make  
8 for this cooperation?

9 THE COURT: He can't testify as to what the  
10 FBI was willing to do. You can get that maybe from  
11 somebody, but you can't get it from him

12 BY MR. TRAFICANT:

13 Q. Was it your impression --

14 MR. SMITH: Same objection, same question.

15 Q. -- as demonstrated by their behavior that they would  
16 accept any statement from you to secure a deal?

17 THE COURT: You can answer that, or you can  
18 consult with your lawyer about whether you want to answer  
19 that.

20 THE WITNESS: Thank you, Your Honor.

21 (Witness conferring with his counsel.)

22 A. It was my impression that if I cooperated I would be  
23 given leniency or immunity.

24 Q. Was it your impression that if you didn't, quote  
25 unquote, cooperate that you would face serious problems?

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1 (Witness conferring with his counsel.)

2 MR. KOPP: Can I have the question back?

3 (Question read by the reporter.)

4 A. That's what the FBI told me.

5 Q. Then was it your impression that if you lied about  
6 Jim Traficant you would have no more problems?

7 (Witness conferring with his counsel.)

8 A. My impression was if I cooperated I would be given  
9 leniency or immunity.

10 Q. Under the circumstances, facing sentencing, are you  
11 concerned about being here?

12 A. Yes.

13 Q. Do you feel that you could jeopardize yourself and  
14 possibly get a harsher sentence if you were, in fact, to be  
15 a witness in this case?

16 A. I have to exercise my Fifth Amendment right on the  
17 advice of my counsel.

18 Q. How many times did you meet with the FBI?

19 A. I have to exercise my Fifth on the advice of my  
20 counsel.

21 Q. Did any FBI agent ever make a threat towards me  
22 through you?

23 (Witness conferring with his counsel.)

24 A. On the advice of my counsel, I must exercise the  
25 Fifth.



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1 Q. I am going to ask a direct question one last time.  
2 Was it your impression that if you lied, all of your  
3 problems would go away?

4 MR. SMITH: I am going to object. Again, he  
5 can lead him all he wants. But he asked the question  
6 before, and it is the same question as we have already had.

7 THE COURT: You can answer this question if  
8 you want to after you listen to your counsel.

9 (Witness conferring with his counsel.)

10 A. On the advice of my counsel, I must take the Fifth.

11 Q. Did Mr. Sabatine -- do you want to confer some more?

12 MR. KOPP: No. We are okay.

13 BY MR. TRAFICANT:

14 Q. Did Mr. Sabatine willingly offer you this statement  
15 and declaration --

16 THE COURT: He can't testify as to  
17 Mr. Sabatine's willingness.

18 Q. Did Mr. Sabatine make this statement to you when your  
19 impression of him was he was --

20 THE COURT: Well, ask him what his  
21 impression was.

22 Q. What was your impression when he made the statement  
23 to you that he did not bribe me?

24 THE COURT: Thank you.

25 A. Can you repeat that, please? I am sorry.

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1 THE COURT: Would you re-read the question  
2 for the witness?

3 (Question read by the reporter.)

4 A. My impression was he was doing whatever he had to do  
5 to save his ass.

6 Q. When he made that statement, he was doing what he had  
7 to do, did he say who, in fact, was responsible for making  
8 him make such a false statement?

9 MR. SMITH: Objection. There has been no  
10 testimony that Mr. Sabatine made a false statement, not  
11 from this witness, not from Sabatine.

12 THE COURT: Right.

13 BY MR. TRAFICANT:

14 Q. Did you not say earlier that Mr. Sabatine admitted  
15 under stress that he did not give me any bribes?

16 MR. SMITH: He is not charged with giving him  
17 bribes. He is charged with giving him gratuity.

18 Q. Did Mr. Sabatine ever say he gave a bribe or a  
19 gratuity to you?

20 A. Not a bribe, but contributions; not a bribe, campaign  
21 contribution.

22 Q. Did he say he gave it all at one time or over a  
23 period of years?

24 A. Well, every time you ran, I mean, fund-raisers.

25 Q. When Mr. Sabatine -- was it your impression that

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1 Mr. Sabatine was in a stressful state throughout the entire  
2 time he made these statements to you.

3 (Witness conferring with his counsel.)

4 A. Yes.

5 Q. Do you have any personal knowledge that an Agent  
6 Anthony Speranza had raped one of my constituents?

7 MR. SMITH: Objection.

8 THE COURT: Sustained. Don't answer. We  
9 ordered you to leave that issue aside, and there are good  
10 reasons for it recited in prior orders of this Court.  
11 Congressman, you may not do that, even when the jury is not  
12 present.

13 MR. TRAFICANT: I have a couple more  
14 questions, Your Honor.

15 Q. Champ, did you try to avoid this subpoena today?

16 (Witness conferring with his counsel.)

17 A. On the advice of my counsel, I must exercise my Fifth  
18 Amendment right.

19 Q. Did you consult with your attorney as soon as you had  
20 been in receipt of said subpoena?

21 MR. KOPP: That's privileged, Your Honor.

22 THE COURT: Well, if you want to assert that  
23 you can, whatever.

24 (Witness conferring with his counsel.)

25 A. I'm not going to answer that question. That's

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1 privileged.

2 Q. Do you understand that my examination of you in this  
3 trial would be only about the statements made by  
4 Mr. Sabatine relative to my case only?

5 A. That's what you have represented to me, yes.

6 MR. TRAFICANT: No further questions at this  
7 time.

8 MR. SMITH: Your Honor, under Rule 26.2, we  
9 ask the Congressman to produce the tape of the conversation  
10 he had with Mr. Saadey which he said yesterday existed. We  
11 ask that that be produced now.

12 MR. TRAFICANT: I have instructed, after  
13 having talked with counsel yesterday his concern was about  
14 the tape, and he can speak as to what he requested me to  
15 do.

16 MR. SMITH: I am asking for the tape.

17 THE COURT: We need the tape.

18 MR. TRAFICANT: I don't have the tape.

19 THE COURT: Where is it?

20 MR. TRAFICANT: I have destroyed the tape.

21 MR. KOPP: I feel the need to speak up here.  
22 I am an officer of this Court.

23 Okay. Cool it. We have too many people  
24 talking at one time. It is an important issue, and so what  
25 we will do, because the Government is about to have an

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1 opportunity to ask cross-examination questions of this  
2 witness -- is that why you are asking this now?

3 MR. SMITH: There are two reasons. Number  
4 one, I do wish to cross-examine, but before that, the  
5 Government does have a motion to prevent any further  
6 testimony by this witness in this case based upon a  
7 violation of 26.2.

8 Do you wish me to make that motion now or later?

9 THE COURT: I think you can make that motion  
10 now, and then we will allow a response from the  
11 Congressman.

12 MR. SMITH: Yes, Your Honor. The Congressman  
13 has stated that he destroyed a tape that he made with Mr.  
14 Saadey. Obviously, that was a prior interview. We would  
15 refer the Court to 4962 and 4963 of yesterday's transcript  
16 in which the Government asked the Congressman to produce  
17 the tape under discovery, and in response to that, the  
18 Congressman himself referred to that tape as Jencks  
19 material.

20 Under Rule 26.2 of the Federal Rules of Criminal  
21 Procedure, Your Honor, Subsection F defines the word  
22 statement as including a recording of mechanical,  
23 electrical, or other recording of an oral statement. So  
24 the tape that the Congressman made with Mr. Saadey clearly  
25 comes within 26.2.

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1           The Congressman has now destroyed that Jencks Act  
2           statement. We, therefore, ask this Court to impose the  
3           sanction called for by Rule 26.2(e), which states, quote,  
4           "If the other party elects not to comply with an order to  
5           deliver a statement to the moving party, the Court shall  
6           order that the testimony of the witness be stricken from  
7           the record and that the trial proceed," and then that's the  
8           end of the part of the rule I am quoting.

9           Since the Congressman stated yesterday that he had  
10          the tape, had not yet decided whether or not he was going  
11          to use it, that clearly demonstrates out of his own mouth  
12          that that tape existed yesterday. He deliberately destroyed  
13          it last night after we asked for it in discovery and after  
14          he referred to it as Jencks material. Therefore, we ask  
15          that you impose the sanction of 26.2(e) and bar any further  
16          testimony by this witness in any regard in this case.

17                 MR. TRAFICANT: I would like to respond.

18                 THE COURT: Fine.

19                 MR. TRAFICANT: The tape is not an issue.

20                 THE COURT: Well, it is an issue right now.

21                 MR. TRAFICANT: I would like to respond. I  
22          would like to respond.

23                 THE COURT: Respond to what he --

24                 MR. TRAFICANT: I am going to respond, but I  
25          would respond to what my particular rule is and what my

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1 attempts were to bring Mr. Saadey in as a witness.

2 Number one, I think it is inapplicable, since the  
3 tape --

4 THE COURT: What's inapplicable? What are  
5 you talking about now?

6 MR. TRAFICANT: His statements are  
7 inapplicable. I am not attempting to use a tape, nor had I  
8 intended to use a tape, and if Mr. Saadey has just been  
9 subpoenaed, I would not have been required to come with  
10 Jencks until I called him, like they did with me. I did not  
11 get Ms. Ferrante's testimony until the day that she came --

12 THE COURT: They didn't call her.

13 MR. TRAFICANT: But I want to cite 803.2  
14 dealing with statements made immediately after a stressful  
15 situation by a declarant.

16 THE COURT: That's not responsive to the  
17 issue of the tape. We need you to respond on the issue of  
18 the tape because they are entitled to have that issue taken  
19 care of before they get into cross-examination.

20 MR. TRAFICANT: I had destroyed the tape to  
21 protect the interests of Mr. Saadey, period.

22 THE COURT: Tell us what the tape involved.

23 MR. TRAFICANT: The tape involved -- and I  
24 can only speak, and I will only speak because I am not  
25 under oath and I am not an attorney --

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1                   THE COURT:   Well, yeah, is this another one  
2                   of your telephone tapes?

3                   MR. TRAFICANT:   Did confirm the fact that  
4                   Mr. Sabatine had, in fact, told his brother-in-law shortly  
5                   after meeting with the FBI, in a stressful situation, that  
6                   he did not bribe or give gratuities of any kind to the  
7                   Congressman. He did what he had to do.

8                   He further stated on that tape that he had millions  
9                   to lose. This was your family, your own blood, and Mr.  
10                  Saadey, Champ Saadey, as we know him, was very upset and  
11                  did question him further about it. He was very upset, he  
12                  was very emotional, and I bring in the fact that  
13                  Mr. Sabatine's statements made to Mr. Saadey are now  
14                  relevant.

15                  Now, the counselor -- I am no attorney. I am John Q.  
16                  Citizen. If counsel representing Mr. Saadey wants to make  
17                  a statement about the tape now he may do so, but I will  
18                  make no further statements.

19                  THE COURT:   At this time, that is the  
20                  statement that the Defendant is willing to make. Anything  
21                  else you want to say?

22                  MR. SMITH:   Yes, Your Honor. The Congressman  
23                  has now acknowledged that that tape contained information  
24                  which went to the heart, goes to the heart of what he  
25                  intends to elicit as the subject matter of the direct

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1 examination. Under the Jencks Act, and as applies to  
2 defendants under 26.2, that tape clearly is producible,  
3 whether he intended to put it into evidence or not. He did  
4 not do so. He destroyed it. This witness' testimony should  
5 be excluded.

6 MR. TRAFICANT: Now, I would like to respond  
7 to that. There were other elements of discussion on that  
8 tape that clearly, when the tape became known to the  
9 counsel of the Defendant, the counsel --

10 THE COURT: Counsel is here, and counsel is  
11 going to be able to speak about that himself.

12 MR. TRAFICANT: When he heard about the tape  
13 and what was on the tape, the counsel did have  
14 conversations with me, and he can speak for himself.

15 THE COURT: Yes, that's certainly true.

16 MR. TRAFICANT: I am just a son of a truck  
17 driver.

18 THE COURT: Excuse me. The jury is here,  
19 and we will let the jury in and stop the proceedings  
20 temporarily while we do that.

21 (Pause.)

22 THE COURT: Thank you. Mr. Kopp, if you want  
23 to make a statement, then this would be a good time to make  
24 it. And then I think everyone needs some lunch, so we will  
25 allow ourselves a brief lunch as well. But if there is

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1 something you want to say in response to this --

2 MR. KOPP: I think it is only necessary that  
3 I say as an officer of this Court, I never requested the  
4 destruction of a tape or any other piece of evidence in  
5 this case. I was called last night by the U.S. Attorney's  
6 Office, which confirmed after I heard it on the news that  
7 there may be a tape in existence.

8 Quite simply, I asked if it was going to be used this  
9 morning and what the contents of it were, at which point in  
10 time I was told it was not going to be used and it no  
11 longer existed. That's the extent.

12 That being said, my interest in any Rule 26 sanction  
13 motions have no bearing on this case, but as an officer of  
14 this Court, I need to make clear that in no way did I  
15 request on behalf of myself or my client the destruction of  
16 any piece of evidence in this case.

17 THE COURT: Thank you very much.

18 What I suggest we do is, because you are still  
19 entitled to do cross-examination, and I really need to hear  
20 what it would be on a dry run so I know how we go to the  
21 next stage of this, this is more complicated than it may  
22 seem. I think we all understand we are talking about the  
23 Fifth Amendment, but on top of that, in this case we are  
24 also talking about a situation that has been presented by  
25 the Defendant calling someone who then asserts his Fifth

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1 Amendment as to some testimony, not to all, and the Court  
2 needs to hear it so I can make the proper determinations  
3 about the impact of that, and some of that comes, depending  
4 on whether or not the Fifth Amendment is asserted during  
5 any cross-examination, so that's another part we have to  
6 do.

7 But we shouldn't do it bone dry and hungry. We should  
8 have a break. The jury is here. They take their next break  
9 at around are 3:00 o'clock, and so I suggest that we have  
10 to move this over and continue to discuss it or to do the  
11 cross-examination at 3:00. We know we have to be here at  
12 4:30 today on some other issues, and so it may be that I  
13 can't analyze this until I have heard the other half of it.

14 It may be that this newest issue that is being  
15 presented to the Court about the destruction of the tape  
16 will also have to be handled at 4:30. However, I don't see  
17 how Mr. Kopp has anything to do with that one. And,  
18 therefore, we will try and have lunch and be back here at  
19 1:30 so we can go forward with the jury.

20 And at 3:00 o'clock, sir, you will have to be here,  
21 and you will have to be here so we can go forward with  
22 cross-examination on this issue.

23 The case has a whole lot of issues in it.

24 MR. TRAFICANT: Your Honor, I had two  
25 witnesses that I'm waiting on, and I haven't been able to

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1 get them here. I have only one remaining witness after  
2 Mr. Anthony Traficanti. I don't know how long they were  
3 going to take with him, and we do have this issue.

4 THE COURT: Right. And if you could update  
5 us on the issue of the welder.

6 MR. TRAFICANT: Yes. I'm trying to find that  
7 out myself.

8 THE COURT: That will be something maybe you  
9 can get someone to help you with over lunch, and I will  
10 decide how long the jury will be here. And we have our work  
11 cut out today, but I want to hear all the witnesses you  
12 have brought to the courthouse today.

13 MR. SMITH: What time do you want us back?

14 THE COURT: 1:30.

15 MR. TRAFICANT: Can we have 1:45?

16 MR. SMITH: Time to run up to the snack bar.

17 THE COURT: We will do it until 1:45. I need  
18 you to be ready to go at 1:45, and I need you to be ready  
19 at 3:00.

20 You, sir, can step down and go with your lawyer.

21 THE WITNESS: 3:00 o'clock, Your Honor?

22 THE COURT: Around 3:00.

23 MR. TRAFICANT: Your Honor, I don't know how  
24 long they are going to take with Mr. Traficanti, but I have  
25 one other witness after that.

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1 THE COURT: Fine.

2 MR. TRAFICANT: And if that doesn't take us  
3 until 4:30 --

4 THE COURT: Then we will deal with wherever  
5 we are, but I want you to be sure that you keep your  
6 witnesses here.

7 MR. TRAFICANT: I am keeping what witnesses I  
8 do have.

9 THE COURT: Excellent. Okay.

10 (Luncheon recess taken.)

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Traficanti - Direct

1 Wednesday Session, March 27, 2002, at 1:45 P.M.

2 THE COURT: Sir, you are still under oath.

3 DIRECT EXAMINATION OF ANTHONY TRAFICANTI

4 BY MR. TRAFICANT:

5 Q. Good afternoon, Anthony.

6 A. Good afternoon, Congressman.

7 Q. You always call me Congressman?

8 A. Sometimes. No.

9 Q. Going back to the beginning, we talked about a second  
10 meeting with the FBI. Where was that meeting again?

11 A. The meeting was held at the Boardman FBI office in  
12 Boardman, Ohio.

13 Q. That's their main office in our area?

14 A. I think, yes.

15 Q. Was there any unusual circumstances about the meeting  
16 regarding the time of the meeting?

17 A. Yes, it was scheduled -- the meeting was initially  
18 scheduled during regular business hours.

19 Q. What, if anything, do you know happened relative to  
20 that meeting time?

21 A. Well, I told you that I had to go, and you weren't  
22 very happy because it was during regular business hours.  
23 And you weren't very happy with that.

24 Q. What time did the meeting occur?

25 A. Well, eventually, it occurred about 5:00 to the best

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1 of my knowledge.

2 Q. How many agents were there at that time?

3 A. Two agents.

4 Q. Did they make any requests of you at this particular  
5 meeting?

6 A. Yes.

7 Q. What request did they make of you?

8 A. They asked me to turn over my pay stubs from the  
9 checks, my congressional checks.

10 Q. Did you have those checks with you?

11 A. Not with me.

12 Q. Did you eventually comply with that request?

13 A. Yes.

14 Q. Did you feel that you were compelled to comply with  
15 that request?

16 A. Agent Denholm informed me that it was necessary for  
17 the Traficant investigation, and I turned those pay stubs  
18 over to him.

19 Q. Was there a court order or subpoena for those?

20 A. No, not to my knowledge. If there was, my attorney  
21 was present that day.

22 Q. Did you feel intimidated out there at the FBI office?

23 A. No.

24 Q. Was that after you agreed to comply with giving them  
25 the paychecks?

Traficanti - Direct

1 MR. MORFORD: Your Honor, again, I'm going to  
2 object to the suggested nature of the questions. This  
3 witness needs to testify, not the Congressman.

4 THE COURT: Right. The jury has to disregard  
5 what the Congressman is saying what he's answering.

6 Q. Did you ever do work at my farm, Anthony?

7 A. I lent you a hand on occasions, if you want to call  
8 it work.

9 Q. When did most of that work occur?

10 A. Can you be more specific?

11 Q. During the week, weekend?

12 A. Maybe on weekends, but on occasions, one or two days  
13 during the week, very sporadic, but I was usually helping  
14 you on weekends.

15 Q. What would you basically do?

16 A. Helped you bale hay, unload a wagon, things like  
17 that.

18 Q. Were you forced to do that?

19 A. No, sir.

20 Q. Why did you do it?

21 A. Did it to help you.

22 Q. Did you derive any benefit from it?

23 A. Shed some bounds. Shed some pounds, got some  
24 exercise, yeah, it was beneficial.

25 Q. Did you ever request to help bale hay?

## Traficanti - Direct

- 1 A. I volunteered a few times to help you.
- 2 Q. Did I participate in that work?
- 3 A. Yes, sir.
- 4 Q. Did you ever clean any stalls?
- 5 A. No, sir.
- 6 Q. Did you ever see me clean stalls?
- 7 A. Yes, sir.
- 8 Q. Did there come a point when you no longer would help
- 9 bale hay?
- 10 A. Yes.
- 11 Q. What was the reason for that?
- 12 A. I became very asthmatic. I had allergies.
- 13 Q. Well, how did you help in the first place?
- 14 A. I wore a mask on occasions.
- 15 Q. Are you familiar with George Buccella?
- 16 A. Yes.
- 17 Q. Were you ever out there with George Buccella?
- 18 A. Yes.
- 19 Q. Did you ever do anything other than farm work with
- 20 Mr. Buccella?
- 21 A. Unloaded a hay wagon and went with him one time to
- 22 haul sawdust.
- 23 Q. How well did you know Chuck O'Nesti?
- 24 A. He was a friend.
- 25 Q. Did you know of his reputation?

Traficanti - Direct

1 A. In what respect?

2 Q. The bad reputation.

3 A. Yeah, there was a lot of things people said about  
4 Chuck that wasn't kind and things in the paper about him,  
5 yeah.

6 MR. MORFORD: Your Honor, I'd like you to  
7 look at this, and maybe we can --

8 Q. Anthony --

9 THE COURT: Let me look at it first.

10 Q. Anthony, what is the address of your office?

11 THE COURT: Let me look at it before you show  
12 it to the witness.

13 MR. TRAFICANT: I'd like to know why I have  
14 to show it to you before I ask a question.

15 THE COURT: Well, you just showed it to the  
16 Government lawyers, and so --

17 MR. TRAFICANT: They didn't object. They  
18 asked to you look at it.

19 THE COURT: Well, and I need to look at it  
20 after they've looked at it. That's just the way we do it.

21 BY MR. TRAFICANT:

22 Q. Is my address 125 Market Street?

23 A. Yes.

24 Q. Am I located there at 125 Market Street?

25 A. The regional service office is.

Traficanti - Direct

1 Q. Where am I located?

2 MR. MORFORD: Your Honor, I'm going to object  
3 to the relevance regarding this document for reasons that  
4 we discussed in the past.

5 THE COURT: I don't know what's he's going to  
6 do with the document. Are you going to give it to this  
7 witness?

8 Q. Am I located at 125 Market Street?

9 A. No.

10 Q. I'm going to show you a document and ask you if you  
11 just could identify that document, and don't make any  
12 comments.

13 THE COURT: Thank you.

14 THE WITNESS: Um-hum.

15 Q. Do you remember that document?

16 A. Yes.

17 Q. Did you maintain a copy of this document?

18 A. Yes.

19 Q. Did you maintain it in your files on Market -- 125  
20 Market Street?

21 A. Yes.

22 MR. TRAFICANT: Your Honor, can I put this on  
23 the screen?

24 MR. MORFORD: Objection, your Honor, based on  
25 relevance and hearsay.

Traficanti - Direct

1           THE COURT: Well, the hearsay issue that it  
2           relates to we have to address at the break, as you know. I  
3           don't know about relevance yet. But on the hearsay issue,  
4           you have to do it at this break, Congressman.

5           MR. TRAFICANT: Your Honor, this is the  
6           second witness who's testified -- seeing this document.

7           MR. MORFORD: I object to this in front of  
8           the jury. You instructed him before.

9           THE COURT: Yeah, you have to do it at a  
10          break. Let's do it at the break. You'll get a chance.

11         BY MR. TRAFICANT:

12         Q.     Anthony, who handed you this document?

13         A.     Chuck O'Nesti.

14         Q.     Do you know if Mr. O'Nesti was passing this all  
15         around?

16         A.     Yes, he did in the office.

17         Q.     The times you came to the farm, what percentage of  
18         times would you have on office clothes versus farm work  
19         clothes?

20         A.     80 percent of the time I was mainly in a suit and  
21         tie.

22         Q.     At some point in time, did you receive different --  
23         different responsibility with the Congressman's office?

24         A.     We -- I'm not clear on your question, Congressman.  
25         I'm sorry.

Traficanti - Direct

1 Q. Did you -- were you promoted to another position that  
2 took you out of Youngstown?

3 A. Yes.

4 Q. What was that position?

5 A. Congressional liaison.

6 Q. And as congressional liaison, what did you do?

7 A. I travelled back and forth to Washington, D.C. with  
8 you.

9 Q. And how did we travel back and forth?

10 A. By car. We drove back and forth.

11 Q. Was there any specific car that you remember that we  
12 had difficulty with?

13 A. Yes.

14 Q. Would you describe that car.

15 A. It was a black Avanti.

16 Q. What problems did we have with it, Anthony?

17 A. The car always would overheat. It heated up, the  
18 temperature gauge would rise, things of that nature.

19 Q. Were there any other problems with the car?

20 A. Outside of the overheating, we'd have to pull over.

21 Q. How often would we have to pull over?

22 A. Quite a bit, quite often, maybe five or six times.

23 Q. And how long would we have -- how long of a time  
24 period we have to wait for the car to be ready to be used  
25 again?

## Traficanti - Direct

- 1 A. 20 minutes to half hour depending.
- 2 Q. Did it make the trip quite lengthy?
- 3 A. Yes.
- 4 Q. How many times approximately did we take that car to
- 5 Washington?
- 6 A. More than once, but I don't -- I don't have the
- 7 specific amount, but it was more than once.
- 8 Q. Were there any other difficulties with that car?
- 9 A. I remember one time I had to jump it by the Rayburn
- 10 Building. Batteries were completely dead.
- 11 Q. You know if it was a new car or an old car?
- 12 A. I wouldn't have any idea. Looked new.
- 13 Q. Were there some plastics on the seats?
- 14 A. Yes.
- 15 Q. Do you know where that car is now?
- 16 A. Yes.
- 17 Q. Do you know how long that car has been there?
- 18 A. Every bit of ten years.
- 19 Q. And where is it?
- 20 A. It's a B & T Express.
- 21 Q. Any specific building?
- 22 A. Yes, it is.
- 23 Q. Whose building?
- 24 A. My father's.
- 25 Q. For most of the time it was in storage, could you

Traficanti - Direct

1 describe how it was stored?

2 A. It was at one point I remember it was on jack stands  
3 and covered with tarp, and then at some point the tires had  
4 to be put back in the car because it had to be moved and  
5 still in the same building but on the opposite side, and  
6 it's sitting there.

7 Q. Do you have any knowledge that the Government tried  
8 to seize that car?

9 MR. MORFORD: Objection, unless he has  
10 firsthand knowledge, your Honor.

11 THE COURT: Firsthand knowledge. What do you  
12 actually know yourself as opposed to what someone else may  
13 have told you because they can be brought in to testify.

14 MR. MORFORD: I would also object to the  
15 basis of the question.

16 THE COURT: Well, let's start first. You  
17 have any firsthand knowledge?

18 THE WITNESS: Yes.

19 THE COURT: Okay.

20 BY MR. TRAFICANT:

21 Q. You have firsthand knowledge, Anthony?

22 A. Yes.

23 Q. Go ahead and answer the question.

24 A. The FBI came to the business, they asked my father if  
25 there was an --

Traficanti - Direct

1 MR. MORFORD: Objection. That's hearsay  
2 unless he was there.

3 THE COURT: Yeah. Were you there?

4 THE WITNESS: No, ma'am.

5 THE COURT: Okay. So somebody told you  
6 something?

7 Q. Have you seen the car since the FBI had served a  
8 search warrant at your farm?

9 MR. MORFORD: Objection. That's just not  
10 true.

11 MR. TRAFICANT: Or have you seen the car  
12 since the FBI raided the B & T Express.

13 MR. MORFORD: Objection as to that, too.

14 THE COURT: Objection sustained.

15 BY MR. TRAFICANT:

16 Q. Have you seen the car --

17 MR. MORFORD: I'm going to object to the  
18 leading questions.

19 THE COURT: Why don't we move along,  
20 Congressman, or you find another way to ask your questions  
21 so that the witness testifies and not you.

22 Q. Do you have knowledge that the car is still at B & T  
23 Express?

24 A. Yes, sir.

25 Q. When was the last time you saw it?

## Traficanti - Direct

- 1 A. Last weekend.
- 2 Q. Do I hug people, Anthony?
- 3 A. Yes.
- 4 Q. Who do I hug?
- 5 A. Your friends.
- 6 Q. Have you been out with me in public?
- 7 A. Many times.
- 8 Q. What's my behavior in public?
- 9 A. Besides shaking hands, you're usually answering  
10 questions or talking to people.
- 11 Q. Do people approach me?
- 12 A. Oh, yes.
- 13 Q. Do they hug me?
- 14 A. Yes, they do.
- 15 Q. Do people fear me back home?
- 16 A. No.
- 17 Q. Do you know anybody that fears me back home?
- 18 A. Outside of your political opponents, nobody.
- 19 Q. Did anybody on my staff, to the best of your  
20 knowledge, fear me?
- 21 A. Absolutely not.
- 22 Q. And after Mr. DiBlasio left, who was hired to replace  
23 him?
- 24 A. I believe it was Allen Sinclair.
- 25 Q. Did you have occasion to visit -- occasion to visit



## Traficanti - Direct

1 the Overhill office when Mr. Sinclair and I were present?

2 A. Yes.

3 Q. Where, in fact, did you see us?

4 A. You were sitting in his office. I've seen him in  
5 your office, sitting down, having coffee one time. I think  
6 it was coffee.

7 Q. Do you remember times when I was in Mr. Sinclair's  
8 office?

9 A. Yes.

10 Q. Could you describe his office?

11 A. It had like a big old desk, like a cherry desk, very  
12 nice office, kind of plush with a chair and a computer,  
13 picture.

14 Q. Could you get around both sides of the desk?

15 A. Only from the right side. You have to enter into the  
16 back.

17 Q. Where would I be seated when you would see me?

18 A. In the front, front of his desk, sitting in the  
19 chair.

20 Q. Would I be near the door or near the opening going  
21 behind the desk?

22 A. Well, the chairs were -- you know, right by the  
23 doorway, so you were in one of those chairs in front of his  
24 desk by the door.

25 Q. And where was Mr. Sinclair?

## Traficanti - Direct

1 A. Behind his desk.

2 Q. You know if Mr. Sinclair and I were friends?

3 A. I would assume you were. He worked for you, yeah.

4 Q. Did you ever get paid for any work you did at the  
5 farm?

6 A. No.

7 Q. Did I ever help you or your father?

8 A. You hired me.

9 Q. In addition to that, did I ever do any labor for you  
10 or your father?

11 A. Yes.

12 Q. What was it?

13 A. You helped us tear out our driveway at our house, and  
14 you came out and you dug some fence hole posts with your  
15 auger -- I think that's what you call it -- at my dad's  
16 business.

17 Q. And what did your dad do after those holes were dug?

18 A. Put a fence in.

19 Q. Do you know if I charged your father?

20 A. I don't know if you did. You would know that. I  
21 don't know.

22 MR. TRAFICANT: No further questions at this  
23 time.

24 THE COURT: Thank you.

25

## Traficanti - Cross/Morford

1 CROSS-EXAMINATION OF ANTHONY TRAFICANTI

2 BY MR. MORFORD:

3 Q. Good afternoon, Mr. Traficanti.

4 A. Good afternoon, Mr. Morford.

5 Q. Mr. Traficanti, is it fair to say that you don't come  
6 before this jury as an entirely unbiased witness in this  
7 case?

8 A. I hold no biases against anyone.

9 Q. No, but you do hold a bias for Congressman Traficant,  
10 do you not, sir?

11 A. A bias?

12 Q. Yes.

13 A. In what respect would I have a bias?

14 Q. Well, in the respect -- let's start with the fact  
15 he's a close personal friend of yours, correct?

16 A. Oh, yes.

17 Q. He's someone you look up to greatly?

18 A. Yes.

19 Q. And have since the time you were a boy?

20 A. Yes.

21 Q. Someone that your dad has been close to over the  
22 years?

23 A. Yes.

24 Q. He's also your current boss; is that correct?

25 A. Yes, sir.

## Traficanti - Cross/Morford

1 Q. And you testified on direct that he is the person  
2 that actually hired you?

3 A. Yes.

4 Q. And you said he gave you a chance and a job when  
5 other people would not give you a chance or a job because  
6 of the reputation of your family?

7 A. Yes.

8 Q. And you testified on direct that the problem with  
9 your family's reputation was because of the Congressman's  
10 trial, correct?

11 A. Yes, sir.

12 Q. But isn't it true, sir, that the problem with your  
13 family's reputation was your father's association with the  
14 Carabbi brothers in Struthers?

15 A. I don't see the relevance to that. I don't know  
16 where you're getting that from.

17 Q. Well, isn't it true your father was a close associate  
18 and friend of the Carabbi brothers?

19 A. He may have been a friend, but I don't know why  
20 you're referring it as close associate. I have no  
21 knowledge of that, sir.

22 Q. Well, you have no knowledge of what went on in the  
23 trial either, do you, sir?

24 A. Which trial, Mr. Morford?

25 Q. The trial that you testified to on direct involving

## Traficanti - Cross/Morford

1 Congressman Traficant, the original criminal trial.

2 A. Only what I have read and the people have told me  
3 that I've heard over the years. I was very young when that  
4 happened.

5 Q. You knew nothing about that trial whatsoever, did  
6 you, sir, other than what people have told you or what  
7 you've read, correct?

8 A. That's a fair assumption.

9 Q. But isn't it true people also told you that your dad  
10 at one time was hanging out with the Carabbis?

11 A. No one's mentioned that to me.

12 Q. No one has ever mentioned that?

13 A. Not to me my dad was hanging with them.

14 Q. Did your dad tell you that's why he was a witness in  
15 that case?

16 A. No.

17 Q. So you really don't know much about that, do you,  
18 sir?

19 A. Not really, Mr. Morford. I told you it was a long  
20 time ago.

21 Q. So the reputation problem that you had in getting a  
22 job in Youngstown had nothing to do with your dad's  
23 reputation of associating with organized crime type people,  
24 is that your testimony?

25 A. I asked the Congressman for the -- for a job. I

## Traficanti - Cross/Morford

1 never mentioned anything about organized crime.

2 Q. Do you know who the Carabbi's are, sir?

3 A. Yes.

4 Q. Who are they?

5 A. They were Mafia people in Youngstown.

6 Q. And you knew that your dad was friendly with them,  
7 correct?

8 A. No, sir, I don't.

9 Q. Do you know if he had any association with them  
10 whatsoever?

11 A. Only thing that I've heard that he was a -- that he  
12 was friends with them, that he, you know -- he had a gas  
13 station in Struthers.

14 Q. Isn't it true that was one of the reasons you  
15 couldn't get a job, was your family's reputation?

16 A. That never was inferred in that sense.

17 Q. But it's your testimony that you needed a job. You  
18 couldn't find a job, and Congressman Traficant gave you a  
19 job, correct?

20 A. That's correct.

21 Q. And he did so as a favor to your father, correct?

22 A. Well, if my dad had something to do with it, so be  
23 it, but the Congressman did hire me, and I asked him, and I  
24 was qualified and educated for the job. I had a college  
25 degree.

## Traficanti - Cross/Morford

1 Q. With respect to your current job, how much money do  
2 you make a year from the Congressman?

3 A. \$51,000 a year.

4 Q. And how many hours are you required to work per week?

5 A. 30 hours by OMP standard.

6 Q. How many hours do you work?

7 A. In excess of 40 hours a week at times.

8 Q. Now, you're not actually in the same office as the  
9 Congressman, are you, sir?

10 A. That's correct.

11 Q. You're actually down at the office in the federal  
12 courthouse, correct?

13 A. Yes.

14 Q. And Congressman Traficant is out in an office out on  
15 Raccoon Road or that general vicinity, correct?

16 A. Canfield.

17 Q. About how far is that from the office in downtown  
18 Youngstown?

19 A. 15-minute drive. You know, something around there.

20 Q. Now, the Congressman has a big fancy office inside  
21 the courthouse congressional office, doesn't he?

22 A. It's pretty nice.

23 Q. But he's never in there, is he?

24 A. Not all the time, no. His office is -- he's not  
25 stationed there.

## Traficanti - Cross/Morford

- 1 Q. Isn't it true he's hardly ever there, sir?
- 2 A. Not all the time, no.
- 3 Q. Let's say since the time that you moved from Overhill
- 4 to the courthouse in Youngstown, how many times have you
- 5 seen the Congressman working out of the office in the
- 6 federal courthouse?
- 7 A. Couldn't say specifically.
- 8 Q. Under ten, under ten?
- 9 A. No, more than that, more than ten.
- 10 Q. More than twice a year?
- 11 A. More than twice a year?
- 12 Q. Yes.
- 13 A. Yes, that's fair.
- 14 Q. How often?
- 15 A. More than twice a year.
- 16 Q. Seldom?
- 17 A. I wouldn't say seldom.
- 18 Q. Well, if there's 365 days an in a year, how many days
- 19 a year is he in that office, sir?
- 20 A. Mr. Morford, that's not his office. His office is in
- 21 Canfield.
- 22 Q. How often do you see him in that office?
- 23 A. Not that often.
- 24 Q. Who's your direct supervisor?
- 25 A. The Congressman.

## Traficanti - Cross/Morford

1 Q. Do you answer to anyone other than the Congressman?

2 A. No, only to him.

3 Q. So in your office, the courthouse, there's really  
4 nobody watching to see what you do or don't do, correct?

5 A. That's true.

6 Q. Who sets your duties?

7 A. The Congressman.

8 Q. Who sets your salary?

9 A. The Congressman.

10 Q. And isn't it true he could fire you at any point at  
11 will without cause?

12 A. Oh, yes.

13 Q. Now, sir, you testified about Richard Rovnak, do you  
14 recall that?

15 A. Yes, sir.

16 Q. And you testified that he worked in the office, and  
17 you didn't see him absent very much, do you remember that?

18 A. Yes.

19 Q. Now, the truth of the matter is, you didn't actually  
20 start working for Congressman Traficant until the spring of  
21 1991, correct?

22 A. Mr. Morford, I couldn't be exact but sometimes in  
23 that vicinity.

24 Q. And isn't it true that at the time you started  
25 Mr. Rovnak had already been working at the office for some

## Traficanti - Cross/Morford

1 time?

2 A. Mr. Rovnak was an employee when I was brought on.

3 That's how I met him. He was in the office.

4 Q. So to the extent that Mr. Rovnak was -- let's just  
5 say for sake of argument, if he was out at the farm working  
6 and not in the office part of the time you started, you  
7 have no way of knowing that, do you?

8 A. Mr. Morford, I haven't really worked at the farm  
9 until I read what was in this trial. I saw Rich Rovnak  
10 very much in that office. I worked with him.

11 Q. That's not my question, sir. My question is: During  
12 the time before you started when he was working in the  
13 office, you have no idea what he was doing, correct?

14 A. Before I started there?

15 Q. Yes.

16 A. I never knew the man.

17 Q. When did you start?

18 A. 1991.

19 Q. What month?

20 A. I'm going to say April or May.

21 Q. Who else was working at the office at the time you  
22 started?

23 A. Bill Pierce, Grace Yavorsky, Jackie Bobby, Chuck  
24 O'Nesti.

25 Q. Who else?

## Traficanti - Cross/Morford

- 1 A. Sonny Drummond, John Cislano, and Henry DiBlasio.
- 2 Q. Also somebody name Rosselli or something like that?
- 3 A. Yes. Gloriann Rossi, she was, I believe, part-time.
- 4 Q. How many people are we talking about out of your
- 5 office where you work, ten?
- 6 A. Now or --
- 7 Q. No, at that time when you started, 1991.
- 8 A. Yeah, I would imagine about ten people.
- 9 Q. Ten people, correct?
- 10 A. Yeah.
- 11 Q. And when you started, you started basically in what
- 12 kind of capacity?
- 13 A. Case worker, answer phones.
- 14 Q. Sort of a gopher in the beginning, would that be
- 15 fair?
- 16 A. A gopher?
- 17 Q. Yes. Do this and that as assigned, whatever duty?
- 18 A. Yes. In the office, I was told what to do.
- 19 Q. You didn't have a position of supervision, did you,
- 20 sir?
- 21 A. No, sir, I did not.
- 22 Q. And you didn't sit around figuring who was there and
- 23 who was not each day, did you?
- 24 A. No.
- 25 Q. You can't tell us how many days Henry DiBlasio was

## Traficanti - Cross/Morford

1       there or wasn't there, can you, sir?

2       A.     I couldn't account for how many days I was there.

3       How can could I do that? It's humanly impossible.

4       Q.     You can't account for how many days Jackie Bobby was  
5       there or not there, can you, sir?

6       A.     No, but I saw her. I worked with her everyday.

7       Q.     You just said it's humanly impossible for you to even  
8       tell us how many days you were there or not there let alone  
9       how many other employees there were?

10      A.     That's true, but I know I was there.

11      Q.     How about Grace Yavorsky, how many days she missed  
12      from the first day you worked there?

13      A.     I couldn't remember that, sir.

14      Q.     Jackie Bobby?

15      A.     I couldn't remember that.

16      Q.     And you can't remember for sure how many days  
17      Mr. Rovnak was there, can you, sir?

18      A.     Well, I can remember Mr. Rovnak because me and  
19      Mr. Rovnak did not hit it off well at first. We used to  
20      fight over who's going to sit at the receptionist desk  
21      because there's not enough room for the employees there,  
22      Mr. Morford.

23      Q.     Tell me how many days he worked and how many days he  
24      missed during the first year you worked there, during 1991?

25      A.     To my knowledge, what I can remember, Mr. Rovnak was

## Traficanti - Cross/Morford

1       there the days I was there, but he was part-time.

2       Q.     And you don't even know what his hours were, do you?

3       A.     No.

4       Q.     When he was supposed to work and when he wasn't

5       supposed to work, you don't know, do you, sir?

6       A.     To my best knowledge, he was there three days a week.

7       Q.     But you don't know what his exact hours were, do you?

8       A.     Well, he was there when I was there. That's all I

9       can tell you. His hours should have been what my hours  
10      are.

11      Q.     Were you running around and checking up on him to

12      make sure he was where he was supposed to be? Was that

13      part of your duties, sir?

14      A.     No, I worked with Mr. Rovnak, Mr. Morford. I told

15      you. He helped me with cases, he even oriented me --

16      Q.     Sir --

17      A.     -- some of the doings in the office.

18      Q.     Prior to testifying here today, did you talk to

19      Congressman Traficant about your testimony?

20      A.     Yes.

21      Q.     Did he tell you he was going to ask you some

22      questions about Mr. Rovnak?

23      A.     About Mr. Rovnak and other people?

24      Q.     Yes.

25      A.     Yes.

## Traficanti - Cross/Morford

1 Q. Did he tell you he wanted you to say that Mr. Rovnak  
2 was in the office a lot?

3 A. No. He didn't infer me to say anything. He just  
4 asked me what knowledge I had.

5 Q. Did you tell him it would be humanly impossible, as  
6 you just said, for you to be able to tell what employees  
7 were there and weren't there?

8 A. He didn't can me the way you asked, Mr. Morford.

9 Q. Sir, let me ask you about this:

10 You were asked some questions by the Congressman  
11 about a time when you were something called a congressional  
12 liaison; is that correct?

13 A. Congressional liaison.

14 Q. Isn't it true your main function as congressional  
15 liaison was to chauffeur Congressman Traficant back and  
16 forth from Youngstown to Washington?

17 A. Well, I did drive at times, but so did the  
18 Congressman, but my duties were to go back and forth with  
19 him.

20 Q. But in terms of liaison duties, what did that entail?

21 A. It entailed me going to Washington and being with the  
22 Congressman.

23 Q. Didn't he have a whole staff of people in Washington,  
24 sir?

25 A. Yes, he did.

## Traficanti - Cross/Morford

1 Q. You didn't have any specific duties, did you, sir?

2 A. Oh, yes.

3 Q. Were you doing legislative duties?

4 A. I started getting into legislation with our former  
5 chief of staff, West Richards, and some of the other staff  
6 people I can't recall.

7 Q. Let me ask you this: On your trips to Washington,  
8 were there times during work hours where you went out and  
9 worked on the Congressman's boat?

10 A. Worked on his boat?

11 Q. Yes.

12 A. I was on his boat. I lived on the boat.

13 Q. Sir, that's not my question. My question is: During  
14 those times you were driving him back and forth to  
15 Washington, were there times you went out and worked on his  
16 boat?

17 A. There was one time when I got hired that I did do  
18 some work on his boat, yes.

19 Q. Now, when you would do this congressional liaison  
20 work and drive with him back and forth to Washington, where  
21 did you stay in Washington?

22 A. I stayed on the boat and sometimes in the office.

23 Q. Did you have any problems staying on the boat?

24 A. Yes.

25 Q. What were those problems?

## Traficanti - Cross/Morford

1       A.     I couldn't fit in the shower. It was very hard for  
2       me to bathe and shower. The shower was very small, and the  
3       hot water would always run out.

4       Q.     Did you like staying on the boat?

5       A.     It was fun at first. I have to admit. It was -- it  
6       was different. I never been on a boat or around a boat,  
7       and I thought it was quite intriguing. I kind of liked it.

8       Q.     Is it fair to say the boat needed a fair amount of  
9       work, sir?

10      A.     Outside of what I saw on the outside of the boat, the  
11      inside was beautiful. I don't think the inside needed much  
12      work.

13      Q.     How about the outside?

14      A.     There was a step that I remember that was rotted  
15      because the Congressman would tell me don't put your foot  
16      on that step, you'll rip it out. Other than that, I'm not  
17      an expert in boats.

18      Q.     Well, sir, isn't it true it was your view that the  
19      boat was in tough shape on the outside and needed a lot of  
20      work?

21      A.     I know it needed a paint job, but I couldn't attest  
22      to what the structural mechanisms of the boat were or what  
23      its faults would be. I just don't know that.

24      Q.     You're saying you didn't mind sleeping on the boat?

25      A.     No.

1 Q. Well, sir --

2 A. Outside of the shower.

3 Q. Do you remember testifying before the Grand Jury on  
4 August 16, 2000, stating this: If not, we would sleep in  
5 the office, and I'd come down to the boat and try to take a  
6 shower in the morning, and the night before so I looked  
7 halfway decent the next day, and that was frustrating for  
8 me. Jim didn't need a lot of amenities. I did, I needed  
9 to bathe twice a day, and it became a problem.

10 A. That's true.

11 Q. Isn't it true sleeping on the boat became a real  
12 problem, it was something you were opposed to?

13 A. Well, something I would prefer not having to do, but  
14 like I said, I actually liked it, it was fun. It was  
15 different. Outside that, I couldn't get the proper  
16 hygiene. It was frustrating at times, yes, Mr. Morford.

17 Q. Now, isn't it true that at one point you and your dad  
18 and a mechanic from your dad's company took the boat down,  
19 had it pulled out of the water and spent the day scraping  
20 barnacles off the hull?

21 A. Yes, I recall that.

22 Q. And that was during working hours, was it not, sir?

23 A. My best knowledge, it could have been, yes, but I  
24 couldn't say with specificity.

25 Q. Sir, isn't it true that that was a day where you

## Traficanti - Cross/Morford

1       should have been in the office. You can say that with  
2       specificity?

3       A.     To my best knowledge, it was a long time ago.

4       Q.     So what is your answer?

5       A.     I couldn't answer that truthfully. I can't really  
6       recall that.

7       Q.     Well, did you recall it when you testified before the  
8       Grand Jury?

9       A.     If you'd refresh my memory.

10      Q.     Question: In other words, you would drive into  
11      Washington, stay there for a week or whatever the time was  
12      and driving back to the district at the end of the week.

13             Answer: I worked in the office.

14             Question: Well, on this day, when the boat is being  
15      worked on, you're not in the office?

16             Answer: No, not that day.

17             Question: That day, you're doing what? Cleaning the  
18      boat, right?

19             Answer: I was -- yeah. I was with the Congressman  
20      that day working on the boat.

21             Wasn't that your testimony then?

22      A.     Yes, the Congressman was with me. I did recall that.

23      Q.     Now, that was the day you were supposed to be in the  
24      office, correct?

25      A.     If I was supposed to be in the office, that day I was

## Traficanti - Cross/Morford

1       excused for me at my request or the Congressman's request.

2       Q.       Excused by you by whom?

3       A.       I'm sure I had to ask the Congressman if I could have  
4       the time to do that.

5       Q.       So you'd say, Congressman, can I have a day off today  
6       for my official duties so I can go work on your boat?

7       A.       I wouldn't infer to it in that sense, no.

8       Q.       What sense would you do it, sir?

9       A.       I can't really recall, Mr. Morford, how it happened,  
10       but I do know on that specific day I was helping with the  
11       duties on the boat to do that.

12       Q.       Well, you testified on direct that when the FBI  
13       called and asked you to meet at their office, you were told  
14       by the Congressman you can't go do that during official  
15       hours, correct?

16       A.       That's true.

17       Q.       But he had no problem with you working on the boat on  
18       official hours, correct?

19       A.       Not that day.

20       Q.       Isn't it true, sir, that during the time you worked  
21       in the office from 1991 until at least 1998 there was no  
22       system regarding vacation days?

23       A.       I don't recall us ever having to do time slips. I  
24       reported my vacation days to Jackie and to Chuck O'Nesti.  
25       That's who I was told to report to, and they would clear

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1 it.

2 Q. That's not my question, sir. Isn't it true there was  
3 no actual system for vacation days?

4 A. No, we didn't -- no, we didn't fill out no slips or  
5 nothing.

6 Q. In fact, wasn't the rule on vacation the Congressman  
7 could give you as many days as he saw fit?

8 A. Not actually, but he is the boss.

9 Q. Well, let me read you this again from your Grand Jury  
10 transcript, August 16, 2000.

11 Question: So the fact that he's saying take a  
12 vacation day doesn't have a whole -- doesn't have a real  
13 meaning under the way your office was set up, does it?

14 Answer: I don't understand.

15 Question: In other words, he can give you as many  
16 vacation days as he wants at his pleasure. The fact that  
17 he says take a vacation day doesn't mean a whole lot, does  
18 it, because he can make it up to you later?

19 Answer: I never interpreted it that way.

20 Question: When he says take a vacation day, that  
21 doesn't necessarily mean you're going to lose a vacation  
22 day, does it?

23 Answer: That he never said.

24 Question: In fact, they didn't keep track of  
25 vacation days, did they?

## Traficanti - Cross/Morford

1 Answer: Not to my knowledge.

2 Was that your testimony then?

3 A. Yes.

4 Q. Is that your testimony today?

5 A. Right, nothing I can recall. I told you I reported  
6 my time to Jackie and to Chuck if I was to take a vacation  
7 day. There was no formal procedure or forms that we were  
8 required to fill out. Jackie was the supervisor, and so  
9 was Chuck.

10 Q. And it's your testimony then that on those days the  
11 Congressman Traficant asked you to go out and do personal  
12 work for him somewhere he would just tell to you take a  
13 vacation day, correct?

14 A. Yes.

15 Q. And then later, if he wanted to, he could give you  
16 more vacation days, correct?

17 A. If I asked him.

18 Q. Now, you testified about some farm work; is that  
19 correct?

20 A. Yes.

21 Q. Work out at the farm. If you'd give me a minute, I  
22 just want to go back to my notes and make sure I get this  
23 accurately.

24 I believe when you testified on direct, when you were  
25 asked if you ever went out and worked at the farm, you said

## Traficanti - Cross/Morford

1       quote: I lent him a hand on occasions if you want to call  
2       that work.

3               Was that your answer?

4       A.     If that's what I said, I said, yes.

5       Q.     Isn't it true, sir, that, in fact, you considered it  
6       to be real hard work?

7       A.     It was hard at times.

8       Q.     Then, what did you mean on direct when you said if  
9       you want to consider it work?

10      A.     It's nothing I was forced to do. I enjoyed helping  
11      him. It was nothing hard about it.

12      Q.     Now, at the times you went out to the farm, you did  
13      that at the Congressman's request, correct?

14      A.     Yes.

15      Q.     That wasn't something you thought up on your own,  
16      correct?

17      A.     No.

18      Q.     And isn't it true that you've stated in the past that  
19      baling hay is not fun work?

20      A.     That's true, it's not.

21      Q.     You testified that it's very, very hot sometimes?

22      A.     Yes.

23      Q.     You get very sweaty?

24      A.     Oh, yes.

25      Q.     You get hay chaff and bugs and flies on you?

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1 A. Yeah.

2 Q. There were times when you were out there and got  
3 poison ivy?

4 A. That's true.

5 Q. Times when your allergy got so bad that you had  
6 serious problems from that?

7 A. Yes, sir.

8 Q. And you still want to say you lent him a hand if you  
9 want to call that work?

10 A. I enjoyed being with the Congressman, Mr. Morford. I  
11 loved working with Jim. He worked harder than anybody else  
12 out there that I ever saw, and I liked being with him.

13 Q. Isn't it true there were times you complained to  
14 other employees about having to go out to the farm to bale  
15 hay, sir?

16 A. I believe I complained when I got poison ivy.

17 Q. Isn't it true that you've testified before that you  
18 may have gotten mad enough and said some choice words?

19 A. That's possible. That happens on a daily basis, yes.

20 Q. During the time that you were out at the farm, there  
21 were times that you were actually out there during working  
22 hours, weren't you, sir?

23 A. Yes.

24 Q. And isn't it true that you began to worry about that  
25 and went and asked the Congressman Traficant because you

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1 had concerns about doing his personal work on official  
2 taxpayer time?

3 A. I made sure with the Congressman that what I was  
4 doing was okay, and that the Congressman says you take a  
5 vacation day, there's no fault in it.

6 Q. And we've already established that when you take that  
7 vacation day, you can always have it given back to you if  
8 you need it later, correct?

9 A. That was never said to me.

10 Q. Well, that was the system, wasn't it, sir?

11 A. I'm not -- what are you referring?

12 Q. I'm not inferring anything; I'm asking you a  
13 question.

14 A. Bought vacation days back, Mr. Morford?

15 Q. Isn't it true the Congressman could give you as many  
16 vacation days as he wanted?

17 A. I guess he could. He's the boss.

18 Q. And that was the system, correct, if the Congressman  
19 Traficant decided he wanted to give you 20 days vacation,  
20 he could do so, right?

21 A. He's the boss.

22 Q. Is that a yes?

23 A. Yes.

24 Q. Isn't it true that you've stated before that being  
25 out at the farm is not how you wanted to spend your free

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1 time, sir?

2 A. I don't believe I said that. If you restate the  
3 question or refresh my memory.

4 Q. Okay.

5 Question. -- this is before the Grand Jury once  
6 again on August 16, 2000.

7 Question: And let's face it, from what you've told  
8 us about this work, it wasn't the way you wanted to spend  
9 your off weekends, correct?

10 Answer: No, not at time, Mr. Morford.

11 Wasn't that your testimony then?

12 A. That's what it says there, that's what it says.

13 Q. So isn't it true that's not how you wanted to be  
14 spending your free time, sir?

15 A. Well, not on weekends, and I usually helped the  
16 Congressman on weekends, and there were other things I  
17 could be doing, but I wanted to be with him.

18 Q. But isn't it true you really didn't want to be out  
19 there baling hay, sir?

20 A. There were times I didn't want to be there.

21 Q. And isn't it true, sir, from your own testimony on  
22 direct you were a very busy man?

23 A. I'm very busy man.

24 Q. You're running a trucking company?

25 A. Not myself, but I own my own trucks.



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1 Q. Well, who's running it?

2 A. My father.

3 Q. Didn't Congressman Traficant ask you if there was any  
4 connection between your trucking company and B & T, and you  
5 said no?

6 A. We are B & T Express. I'm B & T Express.

7 Q. On direct, when Congressman Traficant was asking you  
8 about the connection of your trucking company to your  
9 father's, I thought you said there was not a connection?

10 A. No. We all have trucks, we are all B & T Express.  
11 My father owns the real estate, Mr. Morford.

12 Q. Wasn't it true you were putting time into that  
13 trucking business and taking up some of your time?

14 A. Yes, sir, yes.

15 Q. From what you've testified before, probably ten hours  
16 a week or so, that would be fair?

17 A. That's fair, yes.

18 Q. You're also teaching classes at Youngstown State  
19 University?

20 A. Yes.

21 Q. And you teach a couple of those classes a week,  
22 correct?

23 A. Two days a week.

24 Q. And those are two-hour classes, correct?

25 A. Yes.

## Traficanti - Cross/Morford

1 Q. And you have to prepare for those classes, correct?

2 A. That's true.

3 Q. You don't just go and wing it?

4 A. Wish I could, no.

5 Q. In addition, you own some apartments; is that  
6 correct?

7 A. Yes, sir.

8 Q. And you have to maintain those apartments, correct?

9 A. Yes, sir.

10 Q. Now, there's some lawn type work that needs to be  
11 done at your apartments, correct, to keep them up?

12 A. Yes, sir.

13 Q. And you don't do that yourself, do you?

14 A. I used to.

15 Q. How long ago?

16 A. 1995, '96.

17 Q. Since 1996, isn't it true you've hired somebody else  
18 to mow your grass?

19 A. I have a person who cuts my lawns.

20 Q. You didn't want to get out there and get the exercise  
21 yourself?

22 A. No, because of the allergies. I enjoy getting  
23 exercise, but the sneezing part became hard because of the  
24 grass.

25 Q. Wasn't it true you testified on direct that one of

## Traficanti - Cross/Morford

1 the reasons you went out to the farm was you wanted to get  
2 some exercise?

3 A. That's true.

4 Q. But you weren't mowing your own lawn to get exercise?

5 A. Mr. Morford, we got to put this in a time  
6 perspective.

7 Q. Let's start 1996 on.

8 A. Right.

9 Q. From 1996 on, you were paying somebody else to mow  
10 your grass, correct?

11 A. That's true.

12 Q. And yet, during that same time period, you're going  
13 out to the farm to bale the Congressman's hay, to get  
14 exercise?

15 A. You're making it sounds like I lived at the farm.  
16 That's not true. I was only there on occasions. It's not  
17 that I was there everyday. That's what I'm wondering from  
18 your question.

19 Q. Sir, I'm not making it sound like anything. I'm  
20 taking direct testimony, which was that there were times  
21 you went out to the farm, because you wanted to get  
22 exercise.

23 A. That's true. But I did not own apartments buildings  
24 in 1991, '92 or '93. I was a young kid, a young man. I  
25 was capable of doing that. I didn't have as much weight as

## Traficanti - Cross/Morford

1 I do now, unfortunately.

2 Q. Sir, isn't it true the reason you would go out to the  
3 farm and bale hay was because you felt obligated to go out  
4 there because of your boss, the Congressman wanted you out  
5 there?

6 A. I felt obligated. He's my boss, yes, but I enjoyed  
7 being with him.

8 Q. But you went out of there, at least in part, because  
9 of obligation because your boss, the Congressman, was  
10 asking you to go out there, correct?

11 A. That's true.

12 Q. Now, in addition to you going out to the farm,  
13 weren't there times you were out with George Buccella?

14 A. Yes.

15 Q. And on many of those days when it was hot and sticky  
16 and bad, you and George Buccella would complain about  
17 having to be out there, wouldn't you, sir?

18 A. That's true.

19 Q. And, isn't it true, sir, that there were times when  
20 you were out there for a week at a time during the hay  
21 season?

22 A. Not me.

23 Q. Are you sure about that?

24 A. A week at a time?

25 Q. Yes, sir.

## Traficanti - Cross/Morford

1 A. Mr. Morford, I've tried to clear this up on many  
2 occasions. There were a couple times during the week,  
3 during the summers that I was there, but I mainly helped  
4 the Congressman on weekends. I was never there five days  
5 or -- in a row.

6 Q. How many days in a row can you remember being out  
7 there at the most in any given week?

8 A. Usually on a Friday, sometimes a Thursday, depending  
9 on when the Congressman would ask me, but I was mainly  
10 there on weekends.

11 Q. You're saying under oath today that you don't recall  
12 ever being there more than two days in a row, is that your  
13 testimony, sir?

14 A. I was there at least two days, but I mainly helped  
15 him on the weekends. Are you saying I was there everyday  
16 during the week?

17 Q. No. I'm asking you if there were times where you  
18 were there as much as a week at a time?

19 A. You mean total? I don't understand.

20 Q. Simple question: Were you ever there working on the  
21 farm for as long as a week at a time?

22 A. Days in a month, is that what you're referring to? I  
23 was never there Monday through Friday as you're trying to  
24 suggest. If it's a total of a week that I would have been  
25 out there, weekends and including workdays, that's a fair

## Traficanti - Cross/Morford

1       assumption, but I can't be exact. I was mainly there on  
2       weekends.

3       Q.     Now, with respect to the times that you were out at  
4       the farm, how many days a year would you say you were out  
5       at the farm working?

6       A.     I couldn't say with any specificity. I really don't  
7       know.

8       Q.     You didn't keep track?

9       A.     I couldn't remember. It's quite awhile.

10      Q.     Can't you go back and look at the vacation days and  
11      see how many you wrote off at the farm?

12      A.     I don't have those records. I told you, Jackie Bobby  
13      was the manager who would know that information.

14      Q.     Wasn't it true, sir, that you were out there  
15      sometimes 20, 30 days a year?

16      A.     That's not true. 20, 30 days a year?

17      Q.     Yes.

18      A.     In what capacity, outside of me going and picking the  
19      Congressman up? Are you trying to --

20      Q.     I'm asking you questions?

21      A.     That's not true.

22      Q.     How many days a year?

23      A.     I couldn't be specific, five.

24      Q.     Just five days out of an entire year you're  
25      testifying that you'd be out there working, baling hay?

## Traficanti - Cross/Morford

- 1 A. That's true.
- 2 Q. Moving sawdust?
- 3 A. Total of five days.
- 4 Q. And for how many years were you out there?
- 5 A. Three or four. I can't recall. My allergies became
- 6 bad. It became tough.
- 7 Q. I'd like to ask you some questions about Henry
- 8 DiBlasio. Do you recall being asked questions by
- 9 Congressman Traficanti about Henry DiBlasio?
- 10 A. Yes.
- 11 Q. Now, I believe Congressman Traficanti asked you about
- 12 there's an upper floor and lower floor, do you remember him
- 13 asking you that?
- 14 A. Yes.
- 15 Q. You said the upper floor was known as what?
- 16 A. The administrative office.
- 17 Q. Administrative office?
- 18 A. Right.
- 19 Q. And he asked you about how often you'd speak with
- 20 Henry DiBlasio. Do you recall that?
- 21 A. Yes.
- 22 Q. And you said sometimes you'd go upstairs and talk to
- 23 Henry DiBlasio, correct?
- 24 A. When I was out there, I'd see Henry, yes.
- 25 Q. How often were you up there?

## Traficanti - Cross/Morford

1 A. Not that often, but when I was, I would see Henry.

2 Q. How often?

3 A. It was a long time ago. A couple -- two days a week,  
4 one day a week I'd go up there and come back. It had  
5 something to do with a particular economic development  
6 issue, something along those lines.

7 Q. So you'd be up there once or twice a week talking  
8 about economic development?

9 A. If the issue dealt with economic development, it  
10 would be directed to Henry, but I didn't have much  
11 involvement with Henry, Mr. Morford. I would see him on  
12 occasions, refer things to him.

13 Q. You also said that in response to Congressman's  
14 questions there were times Henry DiBlasio would come  
15 downstairs and talk with you, correct?

16 A. Yes. He'd come down to the office where I was at.

17 Q. And that you and Henry DiBlasio were friends,  
18 correct?

19 A. In a working capacity, yes.

20 Q. Well, sir, that's not what you testified to before  
21 the Grand Jury, is it?

22 A. I don't remember. You'll have to refresh my memory,  
23 Mr. Morford.

24 Q. You don't remember what you testified to about Henry  
25 DiBlasio before the Grand Jury?

## Traficanti - Cross/Morford

1 A. I've been up here twice to the Grand Jury. I -- I  
2 don't recall which session we're referring to.

3 Q. Well, how good is your memory about the amount of  
4 interaction you had with Henry DiBlasio?

5 A. Just what I said.

6 Q. How many years ago was it that you were dealing with  
7 Henry DiBlasio?

8 A. I remember Henry was there when I started.

9 Q. With the exception of your testimony about  
10 Mr. Rovnak, you said several times that you have a hard  
11 time remembering things that happened awhile back, correct?

12 A. That's true, I do.

13 Q. Did Congressman Traficant help refresh your  
14 recollection about Henry DiBlasio before you testified here  
15 today, sir?

16 A. He mentioned Henry to me, that he questioned me about  
17 Henry.

18 Q. Did he ask you to testify that Henry DiBlasio had  
19 done a lot of work?

20 A. No. He just asked me what my relationship was with  
21 Henry and what I remembered in the office with Henry.

22 Q. And without any prompting from the Congressman, you  
23 told him what you told the jury here today?

24 A. He didn't prompt me to do anything.

25 Q. He didn't suggest to you that it would be helpful if

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1       you testified that Henry did a lot of work?

2       A.       That never was suggested to me or said. Obviously, I  
3       worked with Henry. I've seen Henry.

4       Q.       Let me ask if you remember these questions and  
5       answers when you testified before the Grand Jury on August  
6       16, 2000:

7               Question: Let me ask you some questions about Henry  
8       DiBlasio. You worked with him for a number of years,  
9       correct?

10              Answer: I didn't work for Henry. Henry worked  
11       upstairs, and he was on the Congressman's payroll.

12              Question: Henry DiBlasio was supposed to be the  
13       district director, correct, or the chief, whatever the  
14       title was?

15              Answer: Administrative assistant.

16              Question: Administrative assistant? And he had an  
17       office in the same building where you worked for  
18       Congressman Traficanti?

19              Answer: Yes.

20              Question: And he also maintained a full-time law  
21       practice, was that your understanding?

22              Answer: That was my understanding.

23              Question: Tell us Henry's duties as you understood  
24       it as a full-time staffer working in the office where Henry  
25       was listed as the administrative assistant.

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1           Answer: I never worked directly with Henry. I would  
2           see Henry from time to time. The only thing I understood  
3           and what I was told he was staff counsel for the  
4           Congressman, and that Henry was involved in a few union  
5           strikes that the Congressman was asked to get involved with  
6           because I remember seeing Henry on the news. But Henry and  
7           me were hi and good-bye. Really nobody was allowed to go  
8           up to that floor. There was other attorneys in there. And  
9           I never had any business to go up there.

10           Wasn't that your testimony before the Grand Jury,  
11           sir?

12           A.     That's what I recall.

13           Q.     That's not what you testified to this morning on  
14           direct, is it?

15           A.     No, that's not true. I did have a relationship with  
16           Henry. I would see Henry in the office, Mr. Morford.

17           Q.     Isn't it true that in the Grand Jury, you testified  
18           that your relationship with Henry was hi and good-bye, and  
19           that nobody was allowed to go up on that floor, that you  
20           described this morning that as the administrative floor  
21           because there were other lawyers up there?

22           A.     I was told not to go upstairs, but Congressman  
23           Traficant would ask me to come upstairs. I would come  
24           upstairs, and I seen Henry, Mr. Morford. Henry came  
25           downstairs to the office. I did talk to Henry, and we did

## Traficanti - Cross/Morford

1 go over things, and Henry always, always spoke to me when  
2 he saw me.

3 Q. Sure, to say hi and good-bye, correct?

4 A. He did that at times, yes.

5 Q. Let me continue.

6 Question: -- again at the Grand Jury. And he,  
7 meaning Henry DiBlasio, and he never came down much, did  
8 he?

9 Answer: Not much. On occasions, you'd see him, but  
10 usually he would beep people on the telephone to come  
11 upstairs. I was just a young new face in that office, and  
12 it was kind of a hostile environment down there. People  
13 weren't very friendly to me. Only the elite got to go  
14 upstairs, and I wasn't the elite. Wasn't that your  
15 testimony?

16 A. That was true.

17 Q. Who were the elite?

18 Answer: Jackie Grace and Chuck got to go upstairs.

19 Question: Other than him, Henry DiBlasio, being on  
20 TV, having helped settle a couple union strikes, do you  
21 remember any specific duties that Henry did?

22 Answer: No, sir.

23 Question: And so for all you know, based on your own  
24 personal experience, he may not have been doing much of  
25 anything, correct, for all you know?

## Traficanti - Cross/Morford

1 Answer: For all I know.

2 Wasn't that your testimony before the Grand Jury?

3 A. That's what I said, I said.

4 Q. So isn't it true you had no idea what Henry DiBlasio  
5 was doing up there, sir?

6 A. I know what Henry was doing.

7 Q. How, if you weren't going up -- if you weren't going  
8 up the stairs and he wasn't coming down the stairs and you  
9 had a hello-good-bye relationship, and you testified before  
10 the Grand Jury that based on your own personal experience,  
11 he may not have been doing much of anything up there, how  
12 do you know what he was doing?

13 A. Mr. Morford, I recall Henry would send a lot of memos  
14 to the staff. Henry came downstairs. He just not came to  
15 me; he came and spoke to other staff people. I did not  
16 have a direct relationship with Henry. I didn't refer  
17 things to Mr. DiBlasio. He was a very nice man.

18 Q. You were asked the questions. You never provided any  
19 of that, did you?

20 A. Mr. Morford, I was totally petrified during the Grand  
21 Jury session. I can't remember hardly anything that I  
22 said.

23 Q. Well, sir --

24 A. A lot of things after the Grand Jury have come to my  
25 fruition as this trial has proceeded. It's a lot of

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1 things.

2 Q. And they came to your fruition as you talked to  
3 Congressman Traficant about your testimony, didn't it?

4 A. That's not true. That's not true.

5 Q. Sir, isn't it true there were times when Jackie  
6 Bobby, Grace Yavorsky, and Chuck O'Nesti complained to you  
7 about the amount that Henry DiBlasio was working versus the  
8 amount of work that he was doing?

9 A. There was a lot of jealousy and statements made by  
10 Jackie and Grace against Henry, that's true.

11 Q. And Chuck O'Nesti, also, wasn't that true, sir?

12 A. Yes.

13 Q. Why did you just say Jackie and Grace and you left  
14 out Chuck O'Nesti, if that's true?

15 A. What reason would I mention Chuck?

16 Q. Because I just asked you about Chuck.

17 A. I answered it.

18 Q. And you said yes as to Grace and Jackie, and you left  
19 out Chuck. Why?

20 A. He wasn't on the thought process. You mentioned it,  
21 and I said yes. They always complained, Mr. Morford, about  
22 Henry. They were jealous of Henry.

23 Q. How do you know that's why they were complaining?

24 You don't even know how much work Henry DiBlasio was doing,  
25 do you, sir?

## Traficanti - Cross/Morford

1 A. I worked in the office with those people. I heard  
2 their complaints. They made complaints to me about him.

3 Q. And they made the complaint he wasn't doing much  
4 work, correct?

5 A. I heard Jackie say that.

6 Q. And you heard Grace say that?

7 A. Grace said that.

8 Q. And you heard Chuck say that, right?

9 MR. TRAFICANT: Objection on hearsay.

10 THE COURT: You can continue.

11 BY MR. MORFORD:

12 Q. And you heard Chuck say that, correct?

13 A. Yes.

14 Q. And having them said that, you have no idea what  
15 Henry was or wasn't doing in terms of his actual assigned  
16 duties, correct?

17 A. Mr. Morford, outside of what I already testified to,  
18 those three individuals that you refer to were very jealous  
19 of Henry, and they were jealous at the amount of money he  
20 was making. That was obvious. That's all they complained  
21 about.

22 Q. And he was the highest paid staff member on the staff  
23 at that time, correct?

24 A. To my best knowledge, I would say yes, but I don't  
25 know that to be true. There could have been someone else.

## Traficanti - Cross/Morford

1 Q. Now, did there come a time when Congressman Traficanti  
2 asked you to help a guy by the name of Dave Sugar?

3 A. Yes.

4 Q. And he asked you to help Dave Sugar regarding a DUI  
5 case involving Dave Sugar's son, correct?

6 A. Yes.

7 Q. And you performed a number of duties to assist the  
8 Sugars at the Congressman's direction, correct?

9 A. Yes.

10 Q. But isn't it true that when you were asked about your  
11 knowledge of congressional assistance to Dave Sugar on  
12 August 16, 2000, you failed to tell the Grand Jury anything  
13 about any assistance that you gave to Dave Sugar, correct?

14 A. You never asked me specifically, Mr. Morford, but I  
15 believe you cleared that up with the second time that you  
16 had me up here.

17 Q. Isn't it true that you had to come up a second time  
18 because you didn't tell us in the Grand Jury about the work  
19 you'd done for Dave Sugar the first time, sir?

20 A. That's what you explained to me the reason why that  
21 you brought me back.

22 Q. Well, let me see if you remember these questions and  
23 answers on that first Grand Jury appearance, August 16,  
24 2000.

25 Have you ever heard of any dealings between

## Traficanti - Cross/Morford

1 Congressman Traficant and/or his staff and Mr. Sugar?

2 Answer: Just what was involved in the papers  
3 about --

4 Question: You're talking within the last couple  
5 months?

6 Answer: Yes.

7 Question: Do you remember the time you worked for  
8 Congressman Traficant you never heard of him or anyone in  
9 your office.

10 Answer: I heard of Dave. Dave dealt a lot with  
11 Chuck. I remember a workmen's comp problem Dave had years  
12 ago when I first started. He came to the office with a  
13 bunch of material, and I talked to him, and it was a  
14 workmen's comp problem, given to Chuck, it was very in  
15 depth. It was given to Chuck, and Chuck took it over. I  
16 don't know what happened after that.

17 Now, you didn't tell the Grand Jury that day in  
18 response to the question have you ever heard of any  
19 dealings between Congressman Traficant and/or his staff and  
20 Mr. Sugar; that you had actually been involved in a very  
21 detailed way in a constituent services case helping  
22 Mr. Sugar and his son with a DUI case, did you?

23 A. Mr. Morford, my best recollection of that proceeding  
24 was you never asked me about Dave Sugar, Junior. You asked  
25 me about Mr. Sugar, Senior, and we addressed that issue.

## Traficanti - Cross/Morford

1 Q. Isn't it true when the case first came up Congressman  
2 Traficant asked you to call Dave Sugar, Senior?

3 A. That's true.

4 Q. And the two were related, correct?

5 A. I take that back. The Congressman mentioned -- told  
6 me that Dave Sugar, Junior would be calling me, that he had  
7 a problem, and that he'd like us to help him.

8 Q. Now, in terms of the work that you actually did,  
9 isn't it true that at Congressman Traficant's direction you  
10 drafted a letter to be sent to the Judge that was the  
11 sentencing Judge in his case?

12 A. Per the Congressman's instruction and also the  
13 attorney that was involved.

14 Q. And who was the attorney that was involved?

15 A. Attorney Mark Colucci.

16 Q. Who got attorney Mark Colucci involved?

17 A. I did.

18 Q. At whose direction did you get attorney Mark Colucci  
19 involved?

20 A. Congressman Traficant.

21 Q. So Congressman Traficant instructed you to get Mark  
22 Colucci to represent Dave Sugar's son, correct?

23 A. If I may, sir, the way the situation entailed was I  
24 did speak to Dave Sugar, Junior, and his problem required  
25 the assistance of an attorney, outside the scope of what I

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1       could do, and I did tell the Congressman that, and he said  
2       see if Mark Colucci would be able to take the case, and I  
3       called Attorney Colucci.

4       Q.     Now, isn't it true that after Mr. Colucci took the  
5       case that he would send you detailed memos regarding a  
6       status of the case for you to forward to the Congressman?

7       A.     Yes.  He did send me memo to that.

8       Q.     And isn't it true that that was an incredibly unusual  
9       thing?

10      A.     In which respect?

11      Q.     Have you ever referred constituents to an attorney  
12      before?

13      A.     Yes, Attorney Colucci would be the one.

14      Q.     And isn't it true there was never another case where  
15      after you made the referral, that Mr. Colucci would  
16      actually send memos to you to give the Congressman, to  
17      advise him on the details of how the case was going?

18      A.     Outside of the Sugar case, I can't recall any that  
19      comes to mind.

20      Q.     And isn't it true when you testified at the Grand  
21      Jury you testified it was unusual for that to happen?

22      A.     Unusual in the respect that the Congressman, in fact,  
23      asked me personally to get involved in it, but outside of  
24      the fact of Mark setting it up, since we initially asked  
25      him to do it, I didn't see what would be unusual about it.

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1 It was quite informative.

2 Q. But isn't it true you said it was unusual for the  
3 Congressman to take that kind of interest to actually be  
4 monitoring what the lawyer you would refer was doing?

5 A. In that respect, it could be unusual, but the  
6 Congressman monitored a lot of things that he would ask me  
7 to do.

8 Q. Can you think of another time that he monitored the  
9 representation of an attorney where you referred a  
10 constituent, sir?

11 A. Not to my knowledge.

12 Q. I'd like to show you Government's Exhibits --  
13 actually, if you want to write these down, pull them out of  
14 your evidence 5-2(1), 5-3(1), 5-2(2), 5-4(1), and 5-5. 5-1  
15 and 5-5 have been admitted into evidence. 5-2(1), 5-3(1),  
16 and 5-2(2) have been provided to the court by the Defendant  
17 and not yet been placed into evidence.

18 I'm going to first show you Exhibits 5-2(1), 5-3(1),  
19 and 5-2(2.)

20 THE COURT: We only have one of the ones in  
21 evidence you mentioned: 5-2(2) is in evidence and is a  
22 joint exhibit.

23 MR. MORFORD: I'm sorry, your Honor. I also  
24 had 5-4(1) and 5-5 as joint exhibits. I'm not sure. Is  
25 that right?

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1 THE COURT: Is 5-5 in evidence?

2 MR. TRAFICANT: I'd like to know which ones  
3 are joint exhibits.

4 THE COURT: Both -- 5-5 is admitted as a  
5 joint exhibit. 5-4(1) has a joint exhibit sticker on it,  
6 but we don't have a record of it being admitted.

7 MR. MORFORD: We had it as -- I can set the  
8 foundation and go back through it.

9 THE COURT: Okay. We've got the transcripts.  
10 We can check it.

11 MR. KALL: Page 3009 in the transcript.

12 Q. Sir, I'm going to walk you through a couple  
13 documents. Let's start with 5-2(1)?

14 THE COURT: It's admitted. You're correct.

15 MR. MORFORD: Which one?

16 MR. TRAFICANT: 5-1(1).

17 THE CLERK: 5-4(1) is, but not 5-4(1).

18 MR. MORFORD: Okay.

19 MR. TRAFICANT: Which document are we talking  
20 about now?

21 MR. MORFORD: 5-4(1) is a joint exhibit in  
22 evidence as is 5-5.

23 I am right now showing the witness Exhibit 5-2(1). I  
24 apologize for not using my parentheses. That's my fault.

25 THE COURT: That's okay. Everybody has to be

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1 patient with this. This is one of the great features of  
2 the system. This is the way of preserving things after  
3 they happen, so that somebody can go back and actually  
4 assess them. It's a very important part of our system, but  
5 it's boring for everybody.

6 BY MR. MORFORD:

7 Q. Do you recognize this Exhibit 5-2(1)?

8 A. Yes, sir.

9 Q. And is this a memorandum that you prepared?

10 A. Yes, sir.

11 Q. Did you prepare it in the ordinary course of  
12 business?

13 A. Yes.

14 Q. How about Exhibit 5-3(1), do you recognize that?

15 A. Yes, sir.

16 Q. Is this a fax that you received from Mr. Colucci?

17 A. I would say yes, it is.

18 Q. And did you keep a copy of that in the ordinary  
19 course of business as part of your files?

20 A. I should have, yes, I would have kept a copy,  
21 Mr. Morford.

22 Q. How about 5-2(2)?

23 A. Yes, sir.

24 Q. What is that?

25 A. This is a memo that I gave to the Congressman.

## Traficanti - Cross/Morford

1 Q. This is a memo you created in the ordinary course of  
2 business, correct?

3 A. Yes.

4 Q. And all these are documents you would have made and  
5 maintained as part of your files on the Sugar case,  
6 correct?

7 A. Yes, sir.

8 MR. MORFORD: Your Honor, at this time, can I  
9 please put this on the overhead?

10 THE COURT: Yes.

11 MR. TRAFICANT: I ask they all be made joint  
12 exhibits.

13 THE COURT: That's fine, and, of course, we  
14 always try to do that at a break. But it's fine,  
15 Congressman.

16 MR. TRAFICANT: For the record.

17 BY MR. MORFORD:

18 Q. First document, you said it is a memorandum, correct?

19 A. Yes.

20 Q. And this is a memorandum from you to Congressman  
21 Traficant, correct?

22 A. Yes, sir.

23 Q. And the subject says case in summary, Dave Sugar,  
24 Junior?

25 A. Yes.

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1 Q. And then what's the date on that, sir? Can you see  
2 that?

3 A. It's kind of blurry for me here, June 16, '99.

4 Q. Okay.

5 A. Yeah.

6 Q. And this was a memorandum attaching a memo from Mark  
7 Colucci, right?

8 A. It could have been, yes.

9 Q. Well, it says please find attached a case summary, 12  
10 pages including cover page of Dave Sugar, Junior, as you  
11 requested. It is Colucci's understanding that he continues  
12 to be Mr. Sugar's representative unless otherwise advised,  
13 correct?

14 A. Yes.

15 Q. And did you write this memo base based on your  
16 conversation was Mr. Colucci?

17 A. Yes.

18 Q. Exhibit 5-3(1), what is this document?

19 A. That's a fax -- I believe that's a fax that Mark  
20 Colucci sent to my attention for the Congressman.

21 Q. And what was Mr. Colucci asking you to have the  
22 Congressman do?

23 A. Just what it says there, write a letter of support  
24 for an appellate bond matter.

25 Q. And next is the memo marked 5-2(2), do you see that

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1 one?

2 A. Yes.

3 Q. And that's also dated June 16, correct?

4 A. Yes.

5 Q. And this is to Congressman Traficant from you?

6 A. Yes.

7 Q. And the subject is address for Judge Spahr,  
8 sentencing judge?

9 A. Yes.

10 Q. And isn't it true that you were trying to get the  
11 Congressman to send a letter to the Judge that Dave Sugar's  
12 son would get a lesser sentence?

13 A. Attorney Colucci asked that if we send a letter from  
14 the Congressman it would help.

15 Q. That's not my question. My question was, that's what  
16 you were trying to accomplish. You were trying to get the  
17 Congressman to send a letter to the Judge so that Mr. Sugar  
18 could get a lesser sentence, correct?

19 A. If he was -- yes, I would imagine, but I don't know  
20 if he was being sentenced. I can't recall what his actual  
21 issue was. Attorney Colucci said an appellate bond issue.  
22 I am not an attorney, so you're going above my head a  
23 little bit.

24 Q. Did you, in fact, write and send a letter to the  
25 Judge on behalf of Mr. Sugar?



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1 A. Yes, I did.

2 Q. And isn't it true that before that letter went out  
3 you had Congressman Traficant review that letter?

4 A. Yes.

5 Q. And he did review it, correct?

6 A. Yes.

7 Q. And then you sent it out at his direction, correct?

8 A. Yes.

9 Q. You also sent a letter to Mr. Billak, Rick Billak at  
10 the Community Corrections Association on behalf of Dave  
11 Sugar, Junior, correct?

12 A. Yes, sir.

13 Q. Before that letter went out, you gave it to  
14 Congressman Traficant to review, correct?

15 A. Yes.

16 Q. And you sent that letter at his direction, correct?

17 A. Yes.

18 THE COURT: Is this a good time for a break?

19 MR. MORFORD: Yes, your Honor.

20 THE COURT: All right.

21 We'll give you a 30-minute break for the jury.

22 You'll have to come back. Okay?

23 THE WITNESS: Yes.

24 (Proceedings in the absence of the jury:)

25 THE COURT: I understand there's been some --

## Traficanti - Cross/Morford

1       there's been some discussion about whether we should  
2       rearrange the way testimony is going to come in today, and  
3       I need to know things I don't know. We have Mr. Saadey  
4       here with his lawyer, ready to go forward. The jury is in  
5       the back.

6               Congressman, do you have another witness today? I  
7       thought you had one more person.

8               MR. TRAFICANT: I do have one more person,  
9       but Mr. Saadey has asked that he and his attorney asked if  
10      they can clear up their matter today.

11              THE COURT: Um-hum. Well --

12              MR. TRAFICANT: And I want to state for the  
13      record one thing, clearly, really clearly --

14              THE COURT: Who's your witness first.

15              MR. TRAFICANT: Linda Kovachik is here.

16              THE COURT: Okay.

17              MR. TRAFICANT: I want to state for the  
18      record I was never asked by the counsel of the Defense to  
19      do anything. He found out, and in the paper there was a  
20      tape. He contacted me up here relative to concerns that it  
21      might have something to do with the particular case  
22      involving his client.

23              As a result of that, he asked me not to do anything.  
24      I upon my own took an action because of things that may or  
25      may not have been harmful to his client, period.

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1           THE COURT: I think his client -- I mean, I  
2           think the attorney has made that clear. It does raise a  
3           whole new issue regarding the cross-examination that we're  
4           going to do with this gentleman, but I thought about that,  
5           and there is an issue that we have to decide that has to do  
6           with whether or not there has been something which would  
7           invalidate, basically, the testimony of this witness, which  
8           is what you heard the Government claiming.

9           I don't mind handling that -- oh, the jurors are  
10          here. Okay. Hold on. We got to take some jurors through.

11          (Pause.)

12          THE COURT: There are issues under Rule 26.  
13          Now, as the trial Judge, I have a whole bunch of  
14          obligations, and one is to this case, and I will go forward  
15          with the cross-examination of this witness so there is an  
16          accurate record of it. We're doing it out of the hearing  
17          of the jury, just as we have originally planned to do. It  
18          may turn out when we have time after they've gone and  
19          everybody's gone to discuss the impact, if any, that the  
20          Government is suggesting there may be because of the  
21          actions you took apparently with this tape yesterday.

22          And then -- then we'll deal with that, but at least  
23          we'll have the testimony recorded when these people are  
24          here, and we need to do that, even though in the long run  
25          we may not be able to proceed in the way we had thought we

## Traficanti - Cross/Morford

1       could. This case has so many issues in it.

2               MR. MORFORD: Your Honor, not to create  
3       another issue, but I have just two last questions of  
4       Mr. Traficanti. Mr. Smith has advised me it will probably  
5       take 30 minutes to go through the cross-examination, and I  
6       was going to suggest to the Court and move that perhaps we  
7       could finish Mr. Traficanti, let the jury go, and not have  
8       the jury have to sit in the back room for what could be  
9       between 3:30 and 4:30 when they'd have to go anyway.

10              THE COURT: Hold on a second. Is the whole  
11       jury back now.

12              DEPUTY MARSHAL: Yes, your Honor.

13              THE COURT: So what he's suggesting is that  
14       I -- we wait a few moments and complete your  
15       cross-examination of Mr. Traficanti. I'll let you respond  
16       to that.

17              MR. TRAFICANT: Only thing that bothers me, I  
18       don't want Mr. Traficanti to have to come back up here  
19       tomorrow and eliminate my time to go ahead on redirect.  
20       Now, if you're going to take five minutes, fine.

21              MR. MORFORD: Two minutes.

22              THE COURT: Two minutes.

23              MR. SMITH: We're suggesting we do Mr. Saadey  
24       at 4:30 is what we're suggesting.

25              THE COURT: Oh, yeah. But, see, what I don't

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1 know is how long they think it's going to take so I have to  
2 rely on you.

3 MR. TRAFICANT: I would like to see the jury  
4 leave as soon as we're through with Mr. Traficanti. If  
5 they're only going to take two minutes, I will then be  
6 allowed to do my redirect of Mr. Traficanti, and if we're  
7 done at 4:00, then -- or whatever it might be.

8 THE COURT: We'll let the jury go.

9 MR. TRAFICANT: Let the jury go whatever that  
10 be for Mr. Saadey.

11 THE COURT: That sounds like a really good  
12 solution. So it's good for everybody except the people who  
13 have to wait. But, hey, okay.

14 MR. KOPP: I'm already a day and a half  
15 longer than I thought.

16 (Laughter.)

17 THE COURT: Okay. You'll have to go and wait  
18 in an appointed place, sir. Thank you.

19 MR. SAADEY: Thank you.

20 THE COURT: We'll bring in Mr. Traficanti and  
21 bring out the jury.

22 (Proceedings resumed in the presence of the jury:)

23 THE COURT: Sir, you're still under oath.

24 THE WITNESS: Yes, ma'am.

25 THE COURT: All right.

## Traficanti - Redirect

1 BY MR. MORFORD:

2 Q. Mr. Traficanti, did you talk with your boss at all  
3 over the break about your testimony?

4 A. No.

5 Q. I just have one last area to ask you about rather  
6 quickly. During the years 1991 and 1996, the first five  
7 years you worked with Congressman Traficant's office, you  
8 received your pay by paychecks that were mailed to you,  
9 correct?

10 A. Yes.

11 MR. MORFORD: I have nothing further, your  
12 Honor.

13 THE COURT: Thank you.

14 REDIRECT EXAMINATION OF ANTHONY TRAFICANTI

15 BY MR. TRAFICANT:

16 Q. Anthony, you just been subject to pretty serious  
17 questioning. Is that a fact?

18 A. Yes.

19 Q. Is that the way you've been treated by the Government  
20 from the beginning?

21 A. It's been.

22 MR. MORFORD: Objection.

23 Q. Were you indicted for lying to the Grand Jury?

24 A. No.

25 Q. How old were you when I went to trial?

Traficanti - Direct

1 A. About seventh grade, 11, 12 years old.

2 Q. Did I ever compel you to work at the farm?

3 A. No.

4 Q. Aren't there federal regulations that govern --

5 MR. MORFORD: Your Honor, I'm going to  
6 object. It's his witness, and we're getting back into his  
7 testimonial questions, calling for yes or no answers.

8 THE COURT: Well, if you've been made known  
9 about governmental -- what are they? It depends on what  
10 you know about them firsthand or not.

11 THE WITNESS: Could he repeat the question?

12 THE COURT: We'll see.

13 BY MR. TRAFICANT:

14 Q. Anthony, when you went to Washington, D.C., were you  
15 just my chauffeur?

16 A. No.

17 Q. Did you work during the week in the office?

18 A. Yes.

19 Q. And you talked about a hot shower and hot water. Who  
20 would shower first?

21 A. Usually, you would.

22 Q. Why?

23 A. Because I would run the hot water tank out.

24 Q. Now, you have testified the inside of the boat was  
25 beautiful, was that your testimony?

Traficanti - Direct

1 A. Yes.

2 Q. Was it unusual wood of a classic style boat?

3 MR. MORFORD: Objection to the testimonial  
4 questions, your Honor. He can ask open questions.

5 Q. How would you describe the inside of that boat?

6 A. It had -- it had cherry wood -- like cherry wood  
7 trim, had a wooden table, like a little living room, and it  
8 had like a little bedroom down to the left, nice wood,  
9 bathroom, shower.

10 Q. Was it a small boat or big boat?

11 A. Fairly big. It wasn't massive. I think it was a  
12 38-footer. I can't remember.

13 Q. Now, when your father come down, was I present with  
14 you?

15 A. Yes.

16 Q. Did I work with you.

17 A. Yes.

18 Q. Was there ever any time that you were in Washington,  
19 D.C. that you failed to put in 40 hours?

20 A. No, not -- I worked long hours.

21 Q. Now, if the Congress was opened and in session until  
22 midnight, where would you be?

23 A. Right there in the office.

24 Q. Now, he asked you some questions about Mr. Rovnak.  
25 Do you recall those questions?

Traficanti - Direct

1 A. Yes.

2 Q. When you worked for the congressional office, did  
3 Mr. Rovnak come to work?

4 A. Yes, I said that.

5 Q. And you had personal knowledge that he came to work?

6 A. I seen him there, yes.

7 Q. Did you work close to him?

8 A. Yeah, yes.

9 Q. Did you share furniture?

10 A. Yes. We used to fight over the front receptionist  
11 desk for a place to sit because there was no room.

12 MR. MORFORD: Objection, your Honor. He's  
13 got to ask open-ended questions. It's his witness.

14 BY MR. TRAFICANT:

15 Q. Did you ever volunteer --

16 THE COURT: You have to -- you have to put  
17 whatever it is you're hoping to put before this jury into a  
18 form that will allow the testimony to come from the person  
19 who's on the stand.

20 Q. Did you ever volunteer to do work for me?

21 A. Yes.

22 MR. MORFORD: Objection, it's the same thing.

23 THE COURT: That's not it. You have to  
24 disregard that.

25 BY MR. TRAFICANT:

## Traficanti - Direct

1 Q. To the best of your knowledge, did Congress of the  
2 United States have rules and regulations?

3 A. Yes.

4 Q. When a case reaches a point where it cannot be  
5 resolved, whom, if anybody, is the person of last resort in  
6 our District Office?

7 A. You.

8 Q. How many times does that occur?

9 A. Quite a few.

10 Q. What, if anything, do I do when that occurs?

11 A. You never fail to take action. You jump right in.

12 Q. Was there anything different about that in the Sugar  
13 case?

14 A. In what respect?

15 Q. I mean, isn't that something that I would do in any  
16 other case?

17 A. That's fair to say yes.

18 Q. You testified earlier to a gross of \$300,000, is that  
19 your statement?

20 A. Yes.

21 Q. What is your net, rough net approximate income?

22 A. Net?

23 Q. Yes.

24 A. After taxes, maybe less than \$100,000. I don't know.  
25 I don't have my return in front of me. So I couldn't

## Traficanti - Direct

1 answer honestly. It's a fair assumption.

2 Q. Do you know if the IRS was at any of the meetings  
3 with the FBI?

4 A. With who?

5 Q. Whenever they met with you.

6 A. No. I don't recall any IRS people being there.

7 Q. Do you know if the IRS -- you have any knowledge that  
8 the IRS was at the trucking company?

9 A. I believe there was an IRS agent that met with an  
10 associate of the trucking company, yes.

11 THE COURT: Were you there?

12 THE WITNESS: No, ma'am.

13 THE COURT: Please stop testifying to things  
14 that you don't have personal knowledge of.

15 THE WITNESS: Okay. It was told to me.

16 THE COURT: Right. That's what we're  
17 referring to.

18 THE WITNESS: Okay. Help me out.

19 THE COURT: Okay.

20 Q. Who would call to you come upstairs on Overhill Road?

21 A. You.

22 Q. Would you come up?

23 A. Yes.

24 Q. In your mind, did you ever abuse vacation days?

25 A. No.

Traficanti - Direct

1 Q. In your mind, did you ever take advantage of vacation  
2 time?

3 A. No.

4 Q. Would you rather have taken your girlfriend to lunch  
5 than put hay in a barn?

6 A. That's true.

7 Q. To your knowledge, did there come a time when we  
8 decided that Mr. Sugar needed some --

9 MR. MORFORD: Objection again as to the form  
10 of the questions.

11 Q. Was it your impression that Mr. Sugar needed some  
12 form of legal counsel?

13 A. Sugar, Junior did.

14 Q. Sugar, Junior?

15 A. Yes.

16 Q. Did you and I converse about that?

17 A. Yes.

18 Q. Did you make any recommendations?

19 A. Yes.

20 Q. What, if anything, happened on the strength of those  
21 recommendations?

22 A. It was given to Attorney Colucci.

23 Q. Now, they put a number of documents up on the board,  
24 with memos and faxes. Is that unusual that -- to  
25 communicate about cases in a congressional office?

Traficanti - Direct

1 A. No, memos and faxes come over the machine all the  
2 time, E-mails, whatever.

3 Q. And are they not, in fact, confidential?

4 A. I guess. They should be.

5 Q. Were you ever asked by the federal government to give  
6 you any confidential files?

7 A. Was I asked to give the federal government?

8 Q. Yes.

9 A. Outside of my pay stubs, no, I wasn't compelled to  
10 give anything to them.

11 Q. Was it your impression that you were compelled to  
12 give it to them?

13 MR. MORFORD: Objection, your Honor, as to  
14 who's testifying.

15 THE COURT: Sustained.

16 THE WITNESS: My -- you are referring to my  
17 pay stubs --

18 THE COURT: That's okay, just wait. Let the  
19 Congressman rephrase the question.

20 THE WITNESS: Oh.

21 BY MR. TRAFICANT:

22 Q. Now, the Prosecutor brought up the fact that you had  
23 sent a letter to the Judge; is that correct?

24 A. Yes, he did.

25 Q. He brought up the fact that I had reviewed that

Traficanti - Direct

1 letter; is that correct?

2 A. Yes, he did.

3 Q. Do you know or have knowledge of cases where I do  
4 intervene and review communications?

5 A. Yes.

6 Q. Do I know of every DUI or constituent complaint that  
7 comes to our offices, Anthony?

8 A. No.

9 Q. Do I get a report of John Doe or Jane Doe and what  
10 happened to them every week?

11 A. No.

12 Q. Who is responsible in Columbiana County for that?

13 A. Myself.

14 Q. Now, was the tone and tenor of the first meeting you  
15 had with the FBI as aggressive as the tone and tenor of  
16 Mr. Morford's prosecution of you here today?

17 MR. MORFORD: Object.

18 THE COURT: Sustained.

19 Q. Why were you twice at the Grand Jury, Anthony?

20 A. To testify.

21 Q. Did any of the member of the Government give you the  
22 reasons why they called you back a second time?

23 A. Well, I found out when I was there. They had more  
24 questions for me. They dealt with my lawyer.

25 Q. Did the Government ever attempt to twist your words

Traficanti - Direct

1 into some other intent?

2 MR. MORFORD: Objection, again. He's  
3 testifying.

4 THE COURT: Sustained.

5 Q. Did you have an impression that what you said was not  
6 being received satisfactorily by the Government?

7 MR. MORFORD: Objection.

8 THE COURT: Sustained, sustained. Move on to  
9 something else, Congressman.

10 Q. What was your impression of your testimony at the  
11 Grand Jury?

12 MR. MORFORD: Objection.

13 THE COURT: You're asking him for his  
14 impression of his own testimony?

15 MR. TRAFICANT: Yes.

16 THE COURT: Well, you can answer that. If  
17 you have an impression of your own testimony.

18 THE WITNESS: My impression was that I was  
19 very truthful.

20 BY MR. TRAFICANT:

21 Q. Now, you remember the Prosecution asking you that  
22 Congressman Traficant give you 20 days of vacation?

23 A. Yes.

24 Q. Are you familiar with federal rules and regulations  
25 regarding operations of congressional offices?

Traficanti - Direct

1 A. Yes. Not an expert, but --

2 Q. In recent years, have there been changes?

3 A. In which respect, Congressman?

4 Q. Relative to rules of the Congress.

5 A. I know that Congress is a body in and unto itself  
6 that polices itself, but our vacation days, our work hours  
7 are set according to OPM standards, is what Congress bases  
8 those guidelines on. But I couldn't get into anything in  
9 depth, to any legalities of that sort.

10 Q. Do you recall your first meeting with the FBI?

11 A. Yes.

12 Q. Did they refer to me as a target?

13 MR. MORFORD: Objection. This is way beyond  
14 the scope of any cross-examination, and it's been asked and  
15 answered.

16 THE COURT: You can answer this.

17 THE WITNESS: Yes.

18 Q. When was the first time you met with them?

19 A. June 2000. It was either June 6 or June 9th. I  
20 can't remember the exact day. It was a Wednesday, I  
21 believe.

22 Q. And that was the same date they raided your dad's  
23 company?

24 MR. MORFORD: Objection. He wasn't there.  
25 He has no firsthand knowledge of that.

Traficanti - Direct

1 THE COURT: It's okay. You can testify to  
2 that. You testified that you found out about that, right?

3 THE WITNESS: Yes, that's true. Yes, I found  
4 out about it. I wasn't there.

5 BY MR. TRAFICANT:

6 Q. As a congressional liaison, in addition to your  
7 driving, how many hours did you put in that office?

8 A. When I worked in Washington?

9 Q. Yes.

10 A. 40-plus hours a week.

11 Q. How long did it take us to get back and forth?

12 A. Six hours, could be longer, depending on traffic,  
13 weather, those sorts of things.

14 Q. How about when we were in the black Avanti?

15 A. Took a lot longer.

16 MR. TRAFICANT: No further questions, your  
17 Honor.

18 THE COURT: Thank you.

19 MR. MORFORD: Nothing, your Honor.

20 THE COURT: Thank you, sir. You may step  
21 down.

22 THE WITNESS: Thank you, Judge.

23 THE COURT: Carefully.

24 The steps are very old.

25 THE WITNESS: Okay.

Traficanti - Direct

1 THE COURT: You have one more witness here?

2 MR. TRAFICANT: Yes, I was --

3 THE COURT: Good.

4 MR. TRAFICANT: Do you want me to bring that  
5 witness on?

6 THE COURT: You brought a witness here today.  
7 We'll do your witness. You got a jury here.

8 MR. TRAFICANT: I was under the impression we  
9 were going to let the jury go --

10 THE COURT: We'll let the jury go after we've  
11 heard your witnesses that you've brought today.

12 MR. TRAFICANT: This witness.

13 THE COURT: And 4:00 or 4:30, whichever is  
14 earlier. Okay? We stay here until up to 6:00 if we have  
15 to, but you got a witness, we're here to hear it.

16 MR. TRAFICANT: Well, I'd like to move that  
17 the -- since it's going to be some length of time with this  
18 witness, that we dismiss the witness and move forward with  
19 Mr. Saadey.

20 THE COURT: No, no, no. We have a witness  
21 here, and we have a jury here, and the Judge is here, and  
22 it's not 4:30. We put testimony on for the jury. You and  
23 I work in the other areas after the jury goes or during the  
24 breaks when we don't need them. Please call your next  
25 witness.

Kovachik - Direct

1 MR. TRAFICANT: I have to do it myself.

2 THE COURT: Well, that's okay.

3 THE COURT: Raise your right hand.

4 LINDA J. KOVACHIK,  
5 of lawful age, a witness called by the Defendant,  
6 being first duly sworn, was examined  
7 and testified as follows:

8 DIRECT EXAMINATION OF LINDA J. KOVACHIK

9 BY MR. TRAFICANT:

10 Q. Would you please give your name, and spell your last  
11 name then for the jury?

12 A. Linda, L-I-N-D-A, J-A-N-E, Kovachik, K-O-V-A-C-H-I-K.

13 Q. Where do you reside?

14 A. 454 Flagler Lane, Boardman, Ohio 44511.

15 Q. What street was that again?

16 A. Flager, F-L-A-G-L-E-R, Lane, Boardman, Ohio.

17 Q. And you own your own home?

18 A. No, I rent.

19 Q. How long have you lived there?

20 A. Approximately eight years.

21 Q. Where are you currently employed?

22 A. Congressman Traficant's office, 125 Market Street,  
23 Youngstown, Ohio 44503.

24 THE COURT: Can the people in the back hear  
25 this witness? Put up your arms up if you can't. No, yes?

Kovachik - Direct

1       They can. Very well. You're doing a good job.

2                   MR. TRAFICANT: There's water there.

3                   THE COURT: Everyone's nervous.

4                   THE WITNESS: Yes.

5                   MR. TRAFICANT: There's water there. I don't  
6       know if that water was left by somebody else.

7                   THE COURT: I don't think it's possible to be  
8       a witness on the stand and not be nervous.

9                   THE WITNESS: Thank you.

10       BY MR. TRAFICANT:

11       Q.       When did you first start working for my congressional  
12       office?

13       A.       January 1985.

14       Q.       In what capacity were you hired?

15       A.       A staff representative.

16       Q.       Were you full-time?

17       A.       Part-time and then turning into full-time.

18       Q.       How long were you part-time?

19       A.       I'm trying to remember. Possibly six months or so.

20       Q.       And then you were promoted to full-time position?

21       A.       Yes, sir.

22       Q.       And where were you working, located at that time?

23       A.       I'm sorry, sir. Would you repeat that, please?

24       Q.       Where was your duty station located at that time?

25       A.       Overhill. I'm trying to think of the address there.

Kovachik - Direct

- 1 Is it 20 Overhill Drive?
- 2 Q. Is that in -- on the -- where is that located?
- 3 A. It's off Market Street in Youngstown, Ohio, Overhill
- 4 Drive. It's been so long since I've been there.
- 5 Q. Is downtown a little bit out of town?
- 6 A. It's called uppertown, Market Street, uptown Market
- 7 Street, between the Boardman area and Youngstown.
- 8 Q. Was the federal courthouse built at that point?
- 9 A. No, sir.
- 10 Q. What did you do before you worked for me?
- 11 A. At that time, I was shipping -- shipping clerk, doing
- 12 textile type work.
- 13 Q. Who did you work for?
- 14 A. Serv-a-Clean on Madison Avenue, Youngstown, Ohio.
- 15 Q. 1985 did you come to meet members of the staff?
- 16 A. Yes.
- 17 Q. Did you know a Jackie Bobby?
- 18 A. Yes.
- 19 Q. Did you know a Grace Yavorsky?
- 20 A. Yes.
- 21 Q. Did you know a Chuck O'Nesti?
- 22 A. Yes. Can you hear me back there? That was a yes.
- 23 Q. Did you know a Henry DiBlasio?
- 24 A. Yes.
- 25 Q. Was there a time when you parted service with the

Kovachik - Direct

1 congressional office?

2 A. Yes.

3 Q. At approximately what date?

4 A. Christmas time, Christmas party, 1985.

5 Q. And how did you come to be released, or how did  
6 you -- were you -- how was your employment terminated?

7 A. I was not terminated. I resigned.

8 Q. You resigned?

9 A. Yes.

10 Q. Was there any specific reason why you resigned?

11 A. I was doctoring for -- my nerves were bad. I had ill  
12 feelings in the office with management, and it got so over  
13 the years that it played to my nervous system, and I -- I  
14 just decided I would part and respect you in your job and  
15 your ways and go on with my life. It wasn't a pleasant  
16 thing, but that's what I decided.

17 Q. You only worked one year then, is that a fact?

18 A. No. I worked until 1990.

19 Q. So you resigned in 1990?

20 A. Yes.

21 Q. Now, you said that your nerves were frayed. What  
22 were some of the causes for your nerves to be frayed?

23 A. Well, in an office with women, I don't know about  
24 gentlemen, but you've got to go along to get along, and I  
25 try to do that, and I felt that I did it, and I carried my

Kovachik - Direct

1 weight, as best I could, to the best of my knowledge. But  
2 sometimes I was a little belittled.

3 Q. Who belittled you?

4 A. Betrayed.

5 Q. I didn't hear you. I'm sorry. I thought you  
6 completed your statement. You said belittled?

7 A. I'm trying to think of the way I felt, and I was  
8 belittled and betrayed in the office, and I felt very ill  
9 about that, to think that could happen because I felt I was  
10 pretty devoted.

11 Q. Who belittled you?

12 A. My superior, and it would be manager at the time.

13 Q. Who was your superior?

14 A. Would be Jackie Bobby.

15 Q. What, if anything, did she do to you?

16 A. Well, she got kind of into my social life after work,  
17 where I went, where I partied. I didn't type, and she knew  
18 that. I was the receptionist at the time, and I was so  
19 proud to be a part of the congressional office that I would  
20 learn or do anything, which I did attend typing class, but  
21 something just didn't quite please my manager, and it was a  
22 sad time for me.

23 But I made a decision to do this on my own. I was  
24 never fired.

25 Q. Did you take courses to learn --

Kovachik - Direct

1 A. Yes, I did.

2 Q. -- how to type?

3 A. Yes.

4 Q. When you say that you were belittled, in what forms  
5 were you belittled?

6 A. Well, I seem to come to be the in-between of two  
7 people in the office that had rivalry, to take power over  
8 the office. I was like Mrs. In between, and I was being  
9 squished there. I didn't want a part of this game plan,  
10 and I could see it. I worked with it. I experienced it.  
11 My friends, my family, they -- it's easy to tolerate some  
12 things, but others get too aggressive. It's a woman's  
13 thing, I believe.

14 It was either convert or exit. I took the exit with  
15 the recommendation of my doctor. I talked to my doctor  
16 about it, and it wasn't good for my health at the time.

17 Q. Was it your impression that you had to maybe take  
18 sides with rivalries?

19 THE COURT: Now you're making the statement  
20 for her. You need to ask her questions. You need to speak  
21 louder because I don't think everybody can hear you, and  
22 it's really important since you're here that we hear you.  
23 So take it out of the stand.

24 THE WITNESS: Oh, take it out?

25 THE COURT: If you want. That makes it a

Kovachik - Direct

1 little easier. Hold it near your mouth, right on your  
2 mouth but near.

3 THE WITNESS: How's that? Everybody hear me?  
4 Okay.

5 THE COURT: All right. Let's go.

6 THE WITNESS: I'm sorry, I'm nervous.

7 BY MR. TRAFICANT:

8 Q. When you use the term rivals, to whom were you  
9 referring to?

10 A. Jackie Bobby and Grace Yavorsky at the time. Kavulic  
11 I believe her name is now but Grace Yavorsky.

12 Q. Do you know if she's since been married?

13 A. Yes, she has gotten married.

14 Q. You know her last name?

15 A. I believe it's Kavulic, something like that. I'm not  
16 remembering exact spelling of the last name, but she did  
17 get married. She got married.

18 Q. Was there tension in the office?

19 A. Pretty much everyday. Pretty much everyday there was  
20 tension.

21 Q. Did you like Mrs. Bobby?

22 A. Yes. I just didn't like her ways. Nice person,  
23 personally. She's a nice person.

24 THE COURT: Congressman, it's getting on.

25 It's after 4:00. So if you'd move along a little more with



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1       these questions, it would help.

2       BY MR. TRAFICANT:

3       Q.     Did you like Mrs. Yavorsky?

4       A.     Yes. I respected -- I respected my superiors. I  
5       respected my instructions of what to do and how to retain  
6       myself. I respected that. I just came to not liking them  
7       as the years had gone by and certain things that happened.

8       Q.     What types of things that happened?

9               MR. KALL: Objection.

10              THE COURT: Well, I don't know what it's  
11     going to be relevant to, but answer the question. If  
12     there's something you have in your mind, tell us what it is  
13     that happened, these certain things.

14              THE WITNESS: It was more or less a power  
15     struggle of who wanted to represent the Congressman, who  
16     didn't. She stays home; she stays in the office; don't  
17     tell Grace Jackie's doing this; don't tell Grace; don't  
18     tell Jackie Grace is doing this.

19              I couldn't quite keep up with this tennis type  
20     office, and that's what it got to. It was -- at times, I  
21     wondered who was the Congressman.

22     Q.     Did I look over people's shoulders at work?

23     A.     Pardon me, sir.

24     Q.     Did I look over people's shoulders at work?

25     A.     Never, never, absolutely not. You had a lot of trust

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1 in your staff, and I think they did a qualified job for  
2 you.

3 Q. Did you know Mr. O'Nesti?

4 A. Yes, I did.

5 Q. Were you a friend of Mr. O'Nesti's?

6 A. Yes.

7 Q. Would you meet with him often?

8 A. Yes. I confided in him. He confided in me. I  
9 explained a lot of things to him that were going on in the  
10 office because as chain of command, that's what we were to  
11 do. It was like the top person on down, and I would  
12 confide in him, and he would tell me that there's things  
13 that are beyond his way of handling it because some things  
14 would get out of control.

15 If it's getting a bit too much for me, he'd try to  
16 help resolve it and talk to people. He did, but things  
17 persisted in happening the same as always until I told him  
18 one day, I said that nice man, I have a lot of respect for  
19 Chuck O'Nesti. I treat him like a superior, and we can  
20 correspond as far as anything related to work, and he was  
21 there for me.

22 And I -- I was sad when I told him I was going to  
23 resign, and he was also saddened, but he understood.

24 Q. Did you have knowledge of whether or not he got along  
25 well with Jackie Bobby and Grace Yavorsky?

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1 A. Well, in my presence of being there, it wasn't too  
2 pleasant when they would be arguing. I didn't care for  
3 that at all. I didn't care for the outrages and the power  
4 struggle again, who said this, who said that and seemed  
5 like Chuck was always in the middle, and I was a neutral  
6 person. And I -- I didn't want to say too much. I don't  
7 think it was my part to do that.

8 Q. To the best of your knowledge, did Chuck like Jackie  
9 Bobby and Grace Yavorsky?

10 A. He wouldn't let them in his room.

11 Q. I didn't hear you.

12 A. I don't want to laugh, but Chuck would kind of shut  
13 the door and kind of keep the ladies out, and I respected  
14 that, too, because I didn't want to be running his into  
15 room either, but Chuck was like, if you need me in case of  
16 emergency, come and -- going at each other's throat here.  
17 So I respected that.

18 Q. Did you ever see Chuck argue with those two?

19 A. Many times, many, many times.

20 Q. Did you ever hear Chuck complain about those two?

21 A. All I know is, as the years went by, I spent five  
22 years there, and I -- I just kind of shook my head one day  
23 and said, Chuck, I don't know, you're Q towering. It's  
24 hard working with women, I know -- he said I can't really.

25 MR. KALL: Objection, your Honor. That's

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1       hearsay.

2                       THE COURT: Right. We can't take from you  
3       what he said; just what you know.

4       Q.     Did you have many private conversations with  
5       Mr. O'Nesti?

6       A.     Yes.

7       Q.     Now, did there come a time -- after you resigned from  
8       the congressional office, what did you do?

9       A.     I went on with my life and with my unemployment. I  
10      did receive unemployment, and I felt very hurt,  
11      Congressman, because it -- it was a great privilege and  
12      honor to work with you, and sometimes health comes in  
13      between, nerves and whatever, and I just, you know, I went  
14      on with my life, went to the welfare department and got  
15      into another job, working with people.

16      Q.     Did you have any jobs after that?

17      A.     Yes.

18      Q.     And what jobs did you have?

19      A.     The Human Services on Harland Avenue.

20      Q.     What kind of services?

21      A.     Human Services.

22      Q.     You worked for the Human Services Department?

23      A.     Yes, yes.

24      Q.     And for how many years?

25      A.     '91 I believe I got that job in '92. I went into

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1 the limousine service.

2 Q. In '92, what did you do?

3 A. I went into the limousine service.

4 Q. Was it your own limousine service?

5 A. Yes, I was trying it out.

6 Q. Did there come a time when you rejoined the  
7 congressional staff?

8 A. I always kept in touch with Chuck O'Nesti because he  
9 had respect for me, and I had respect for him, and he was  
10 kind of -- he was a caring person, and he knew that I was  
11 hurt over it all. I talked to you several times, and we  
12 supported you as Congressman. Personally with my work in  
13 the office, I left them there and shut the door.

14 THE COURT: Now, the question was: Did there  
15 come a time when you rejoined the congressional staff? And  
16 that would be the question you want to try and answer.

17 MR. TRAFICANT: Yes.

18 Q. Did there come a time you rejoined the congressional  
19 staff?

20 A. Yes. I rejoined the staff after talking to Chuck  
21 O'Nesti and with his encouragement to say Linda, go back to  
22 the Congressman's office. I know you're a good worker and  
23 the Congressman needs you. I said I don't know about these  
24 kickbacks, Mr. O'Nesti. He says I had not --

25 MR. KALL: Objection, your Honor.

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1 THE COURT: Okay, whoa, whoa, whoa. As the  
2 Congressman knows, that's precisely the sort of statement  
3 that we have to deal with out of the hearing of the jury  
4 before we present it to the jury.

5 MR. TRAFICANT: Your Honor --

6 THE COURT: Don't "your Honor" me, Congressman  
7 Traficant. You can continue if you have other questions,  
8 but not that one.

9 BY MR. TRAFICANT:

10 Q. When did you rejoin my staff?

11 A. I rejoined it February 2, 2000.

12 Q. What was your position at that time?

13 A. Staff representative.

14 Q. Were you part-time or full-time?

15 A. Full-time.

16 Q. Was Jackie Bobby still on the staff?

17 A. No, sir, she was not. Jackie was gone.

18 Q. Was Grace Yavorsky still on staff?

19 A. No, sir.

20 Q. Did you have a conversation with me relative to  
21 rejoining the staff?

22 A. Yes, sir.

23 Q. As a result of that conversation, what happened?

24 A. Well, I think that you realized --

25 MR. KALL: Objection, your Honor.

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1 THE COURT: Don't talk about what you think  
2 he realized. Talk about what happened. What happened that  
3 you have personal knowledge of?

4 BY MR. TRAFICANT:

5 Q. When you talked to me about coming back to work, did  
6 you come back to work?

7 A. Yes. I was happy to come back to work.

8 Q. Have you worked there ever since?

9 A. Yes, sir.

10 Q. And what service center do you work out of now?

11 A. Downtown Youngstown, at the courthouse, 125 Market  
12 Street, Youngstown, Ohio 44502.

13 Q. During the time that you were not in my employ, did  
14 you still -- were you still active in political campaigns?

15 A. Oh, yes.

16 Q. Did you support my campaign?

17 A. Absolutely, absolutely. Family and friends, even  
18 when we departed --

19 THE COURT: Just answer the question.

20 THE WITNESS: Okay.

21 Q. Did you ever campaign on work hours?

22 A. No, absolutely not.

23 Q. Are you still a campaign, volunteer campaign worker?

24 A. Sure I am.

25 Q. Did you trust Jackie Bobby?

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1 A. After my experience with them, no. After my  
2 experience with Jackie Bobby, no.

3 Q. Did you trust Grace Yavorsky?

4 A. No, not after my experience.

5 Q. Did you ever have reason to confront them?

6 A. Yes. I confronted -- may I say this, Judge?

7 Q. What, if anything, happened?

8 MR. KALL: Objection.

9 THE COURT: Yeah, you just have to sort of  
10 wait until he gets to the next question. It's question,  
11 answer, question, answer is the way we do this. I think  
12 there's an objection.

13 MR. KALL: Just object to relevance.

14 THE COURT: Okay. You can answer.

15 THE WITNESS: I can?

16 THE COURT: Yes. Ask her the question,  
17 Congressman, so she can answer it.

18 Q. Would you please --

19 MR. TRAFICANT: I object to these continuous  
20 objections. Would you please read --

21 THE COURT: As you know, and as you yourself  
22 do, lawyers and people representing themselves have an  
23 obligation to object when there's something. I think the  
24 jury understands that. Okay.

25 Let me go back and read it for you.

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1           He had asked you: Did you ever have reason to  
2       confront them, and you said yes, I confronted -- may I say  
3       this, Judge, and then he said what, if anything, happened.  
4       Now, you can answer what, if anything, happened.

5           THE WITNESS: I was confronted by my social  
6       activities after work, that I had been drinking too much,  
7       staying out maybe too late, which was irrelevant with the  
8       office, having anything to do with it.

9           I was set back pretty far on that one.

10       Q.     Was it your impression that you were not liked?

11       A.     Yes, and hurt, very hurt over it. I hadn't done  
12       anything to these two people, believe me.

13       Q.     Were you ever belittled?

14       A.     Yes.

15           THE COURT: She's testified to these things.  
16       We have five minutes left with the jury, Congressman.

17       Q.     Did anyone other than Jackie Bobby or Grace Yavorsky  
18       belittle you?

19       A.     Not to my knowledge, no.

20           MR. TRAFICANT: No more questions at this  
21       time.

22           THE COURT: Thank you. Ladies and gentlemen,  
23       we will recess you for --

24           MR. KALL: Your Honor --

25           THE COURT: We'll bring you back tomorrow --

1       excuse me. You're going to have to be back here tomorrow  
2       morning, ready to go, be here about 10 of 9:00.

3               MR. KALL: Your Honor, if it helps, we have  
4       no questions unless we get into something on that other  
5       matter.

6               MR. TRAFICANT: Well, I think it's an issue  
7       on the other matter that she stay.

8               THE COURT: Okay. You'll have to come back,  
9       I guess. The Congressman told you if he wants you back  
10      here, you'll be here 10 after 9:00 tomorrow -- or 10 of  
11      9:00 tomorrow. Okay?

12              MR. TRAFICANT: Your Honor, unless we handle  
13      it tonight after we handle the other matter.

14              THE COURT: We have a lot of work ahead of us  
15      tonight, and I'm not in the business of calling people's  
16      witnesses late at night. You want her back here, she'll be  
17      back here if it turns out she's not needed, fine, she  
18      won't be needed, and she can go home. Okay? See you  
19      tomorrow. Remember all your admonitions. And don't let  
20      anyone talk to you. Don't read anything, listen to  
21      anything, watch anything on TV or get on line with anything  
22      regarding this case. And that's not easy. Okay.

23              (Proceedings in the absence of the jury:)

24              THE COURT: In between, Congressman, I want  
25      to go back to something that will be coming up in a few

1 minutes and what we're going to be spending some time on  
2 after the jury actually leaves today, but before this  
3 cross-examination of Mr. Saadey begins, again, I'm going to  
4 order you to produce to the United States all, any and all  
5 documents or tapes or statements of any kind, whether they  
6 are oral, written, oral and summarized, written, whether  
7 they're recorded or in any form that relate to the subject  
8 matter concerning which he has already testified on direct  
9 examination.

10 United States is entitled to those. You know they're  
11 entitled to them, and they have the opportunity to examine  
12 them and use them before they cross-examine the witness.  
13 We went over this yesterday. And I want you to give them.  
14 Everything. I'm going to take the five-minute break after  
15 the jury goes out. You give them every single document you  
16 have. That's an order. Now, we'll -- I'll be back in five  
17 minutes. You guys can work all that out. We'll let the  
18 jury go right now.

19 MR. TRAFICANT: I object for the record.

20 (Thereupon, a recess was taken.)

21 THE COURT: You can come up, gentlemen.

22 MR. KOPP: Thank you, your Honor.

23 THE COURT: Mr. Smith?

24 MR. SMITH: Before I start, I'd like to put  
25 on the record, despite the Court's orders a few minutes

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1       ago, the Government has received nothing from the  
2       Congressman.

3               Thank you, your Honor.

4               MR. TRAFICANT: I have no Jencks material for  
5       the Government.

6               THE COURT: It's not Jencks, sir, we're  
7       asking --

8               MR. TRAFICANT: I have no documents for the  
9       Government concerning Mr. Saadey, period.

10              MR. SMITH: I'm asking about the tape as  
11       well, your Honor.

12              MR. TRAFICANT: I do not have the tape. I  
13       have destroyed the tape.

14              THE COURT: Okay. When did you do that?

15              MR. TRAFICANT: I did that last night.

16              THE COURT: Okay. And does it totally -- I  
17       mean, I don't know how you did it but totally destroyed?

18              MR. TRAFICANT: It is gone. I have destroyed  
19       the tape, and I do not want to discuss the elements of the  
20       tape and --

21              THE COURT: Well, what you want to discuss  
22       and what needs to be done are two different things, but  
23       right now we have Mr. Saadey here.

24              MR. TRAFICANT: I will say this for the  
25       record. I have been conducting a congressional

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1 investigation and have nothing about Mr. Saadey in his  
2 case, other than some people that I was investigating that  
3 were involved in this case, period.

4 THE COURT: I don't know what we're talking  
5 about here.

6 MR. TRAFICANT: They do not pertain to Mr.  
7 Saadey.

8 THE COURT: Well, Congressman, no one will  
9 ever know except you, I guess, until and unless you made a  
10 transcript, which I had asked to you make. Did you make a  
11 transcript of that tape?

12 MR. TRAFICANT: No. I have no -- no  
13 information.

14 THE COURT: Okay. Well, we discussed this at  
15 length yesterday.

16 MR. TRAFICANT: All I have dealing with that  
17 tape has been destroyed, period.

18 THE COURT: Okay. We'll deal with that  
19 issue, but as I said before, because we have this gentleman  
20 here and his lawyer and they've been here for a good part  
21 of the day, we're going to go ahead and preserve whatever  
22 the cross-examination would be here, but it's all subject  
23 now to this new thing that has come up with you destroying  
24 the tape. So we will now go forward. Okay. Just so that  
25 there's a correct record that everyone can see of what is

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1       happening when this witness is cross-examined in terms of  
2       his Fifth Amendment and how that may or may not impact on  
3       the other issue that we had been spending a lot of time  
4       considering in this case. Okay?

5                       MR. SMITH: Yes, your Honor.

6                       THE COURT: Thank you.

7                       VOIR DIRE CROSS-EXAMINATION OF RUSSELL SAADEY

8                       THE COURT: Are you ready? You're still  
9       under oath, and your lawyer's right there at your side.

10                      THE WITNESS: Thank you, your Honor.

11                      THE COURT: And you should know when there's  
12       a consultation for the record. Thank you.

13       BY MR. SMITH:

14       Q.     Mr. Saadey, you and I first met last October in Judge  
15       O'Malley's courtroom down on the first floor; is that  
16       right?

17       A.     Yes, sir, I believe so.

18       Q.     And was I one of the Prosecutors in the case which  
19       you were prosecuted in Judge O'Malley's courtroom?

20       A.     Yes, sir.

21                      THE COURT: Can you just pull that up maybe  
22       and -- there we go.

23                      THE WITNESS: I'm sorry.

24                      THE COURT: That's okay.

25       Q.     In that trial, did the jury find you guilty of ten

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1 felony counts.

2 (Witness conferring with counsel off the record.)

3 THE WITNESS: The record speaks for itself.

4 Q. Were you found guilty of ten felony counts? That's  
5 my question.

6 A. I don't know.

7 Q. You don't know what the jury found?

8 Witness and counsel conferring off the record.)

9 A. I don't remember how many counts I was convicted of.

10 Q. Well, the jury returned a verdict finding you guilty  
11 of a RICO violation, correct?

12 A. If you say so. I'm telling you right now, I don't  
13 remember.

14 Q. All right.

15 And you don't remember being found guilty by a jury,  
16 by a jury verdict, in which the RICO enterprise as alleged  
17 was that you were part of an enterprise consisting of  
18 judges, Mahoning County Prosecutor James Philomena, and  
19 certain attorneys to fix drunken driving cases in the  
20 Mahoning County court system? Were you found guilty of  
21 that by the jury.

22 (Witness conferring with counsel off the record.)

23 A. I exercise my Fifth Amendment.

24 Q. Sir, I am not asking if you did it; I'm asking, did  
25 the jury find you guilty of it?

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1 A. My Fifth Amendment I exercise. Thank you.

2 MR. TRAFICANT: Asked and answered.

3 THE COURT: Okay. Well, I have to evaluate  
4 each one of these to -- under the standards we have, to  
5 look at them. Whether or not it's a proper exercise of the  
6 Fifth Amendment, which I'm not going to go since there's so  
7 many until we get a transcript of it, which I'll have  
8 tonight, so just go right ahead, ask the next question. It  
9 is the defendant's burden to show that it is a proper  
10 exercise to meet the challenge.

11 Q. Sir, did you accept \$200,000 from Phil Courtney and  
12 Bob Harvey in connection with their criminal case in order  
13 to try to fix their criminal case with the Mahoning County  
14 Prosecutor's office?

15 Witness and counsel conferring off the record.)

16 A. I exercise my Fifth Amendment.

17 Q. Did you, in fact, tell Prosecutor Philomena that you  
18 only got \$100,000 from Phil Courtney and Bob Harvey so you  
19 could keep a larger share of the case fixing proceeds for  
20 yourself?

21 A. Once again, I exercise my Fifth Amendment.

22 Q. Did you lie to the Prosecutor that you were in  
23 cahoots with to fix cases about the Courtney-Harvey case?

24 (Witness and counsel conferring off the record.)

25 A. Once again, I exercise my Fifth Amendment.

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1 Q. Did you accept at least \$15,000 from a drunken driver  
2 named Randy Bailey in an effort to fix his DUI case in the  
3 Mahoning County court system?

4 A. Once again, I exercise my Fifth Amendment.

5 Q. And at the time that you did that, was Randy Bailey a  
6 multiple repeat DUI offender?

7 A. Once again, I exercise my Fifth Amendment.

8 Q. Did you keep over \$9,000 of Randy Bailey's money for  
9 yourself and pass the rest on?

10 A. Once again, I exercise my Fifth Amendment.

11 Q. Did you solicit \$16,000 from a gentleman named Ken  
12 Olsavsky on a DUI case?

13 A. Once again, I exercise my Fifth Amendment.

14 Q. Was Mr. Olsavsky pulled over by the police in the  
15 parking lot of the Upstairs Lounge, that you were in that  
16 parking lot when the pullover happened?

17 A. Once again, I exercise my Fifth Amendment right.

18 Q. Didn't you see a golden opportunity arrive right  
19 before -- here's a guy I can go to to get money out of to  
20 fix his case?

21 A. Once again, I exercise my Fifth Amendment right.

22 Q. Because that wasn't the first time you dealt with  
23 Mr. Olsavsky, was it?

24 A. Once again, I exercise my Fifth Amendment right.

25 Q. Now, sir, did the jury also find you guilty of one

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1 count of extortion in violation of a Hobbs Act by virtue of  
2 their verdict?

3 A. Once again, I exercise my Fifth Amendment right.

4 Q. Did the jury also find you guilty of filing false  
5 federal income tax returns for three separate tax years?

6 A. Once again, I exercise my Fifth Amendment right.

7 Q. Did the jury also find you guilty of making false  
8 statements to financial institutions on five different  
9 credit card applications?

10 A. Once again, I exercise my Fifth Amendment right.

11 Q. Now, you still await sentencing; is that right?

12 A. Once again, I exercise my Fifth Amendment right.

13 Q. Well, when you're sentenced, you intend --

14 THE COURT: Well, wait, wait, just a minute.

15 I think before we begin this, the Court was put under the  
16 impression anyway that you are a person in between the time  
17 when you had a conviction and you're to appear to be  
18 sentenced, and it does make a difference to whether or not  
19 you assert any Fifth Amendment rights if you've already  
20 been sentenced.

21 We're in a different zone, and I'm assuming you  
22 haven't been sentenced. So I need -- I need somehow --  
23 somehow we need to clear this up.

24 MR. SMITH: I'll rephrase.

25 Q. You have not been sentenced yet, correct?

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1 A. That is correct.

2 Q. All right.

3 THE COURT: Thank you.

4 Q. After your sentence, you intend to pursue an appeal,  
5 correct?

6 A. That is correct.

7 Q. So as you sit here today, you still intend to  
8 continue fighting against the Government with respect to  
9 the criminal case in which you were prosecuted, correct.

10 (Witness conferring with counsel off the record.)

11 A. I plan to preserve my appellate rights.

12 Q. So your relationship to the U.S. Attorney's Office  
13 for the Northern District of Ohio has been and will be  
14 adverse; is that correct.

15 (Witness conferring with counsel off the record.)

16 MR. TRAFICANT: Can you repeat the question?

17 BY MR. SMITH:

18 Q. Mr. Saadey, your relationship to the United States  
19 Attorney's Office for the Northern District of Ohio has  
20 been and will remain adverse for the foreseeable future; is  
21 that correct.

22 (Witness conferring with counsel off the record.)

23 A. I exercise my Fifth Amendment right.

24 Q. Now, on your direct examination by the Congressman,  
25 you testified about certain statements made to you by one

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1 James Sabatine; is that correct?

2 A. Yes.

3 Q. And you testified that in your view, James Sabatine  
4 was under pressure to plead guilty, correct.

5 (Witness conferring with counsel off the record.)

6 A. I don't believe that's exactly what I said.

7 Q. All right. Well, at any rate, Mr. Sabatine never  
8 denied to you that he was guilty of the offenses to which  
9 he pleaded guilty, did he?

10 (Witness and counsel conferring off the record.)

11 A. He said he gave political contributions, not bribes.

12 Q. All right. And do you know what -- do you know  
13 specifically what offense that Mr. Sabatine was charged  
14 with respect to the Congressman.

15 (Witness conferring with counsel off the record.)

16 A. I don't, sir.

17 Q. Do you even know if Mr. Sabatine was charged with  
18 bribing the Congressman?

19 A. I believe I -- I remember reading that.

20 Q. You think that the -- you think that James Sabatine  
21 has been charged with bribing the Congressman under federal  
22 law.

23 (Witness conferring with counsel off the record.)

24 A. I don't know. I don't know.

25 Q. Do you know the difference between bribery and

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1 gratuity under federal law?

2 A. No.

3 Q. Mr. Sabatine never told you that the Government said  
4 anything to force him to say -- to testify untruthfully;  
5 isn't that right?

6 (Witness and counsel conferring off the record.)

7 THE WITNESS: Can I have that reread, please?

8 MR. SMITH: Yeah.

9 Q. James Sabatine never told you that the Government  
10 said anything to force Mr. Sabatine to testify falsely;  
11 isn't that right?

12 (Witness and counsel conferring off the record.)

13 MR. TRAFICANT: Can you repeat that question?

14 THE COURT: No, he's considering it.

15 THE WITNESS: He was under pressure to do  
16 certain things so he could protect himself.

17 Q. All right. Mr. Sabatine was feeling pressure. You  
18 agree with that?

19 A. Yes, sir.

20 Q. Now, you've been a RICO Defendant yourself, correct?

21 A. Yes, sir.

22 Q. And you felt pressure simply by the virtue of the  
23 fact you were charged with a criminal offense; is that  
24 right?

25 A. I exercise my Fifth Amendment.

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1 Q. Well, isn't it true that you personally experienced  
2 pressure simply by virtue of the fact that you've been  
3 charged with a criminal offense; isn't that true?

4 A. I exercise my Fifth Amendment right.

5 Q. I mean, the Government doesn't have to say anything  
6 to a criminal defendant in order for a defendant to feel  
7 pressure once they've been charged, right?

8 A. I exercise my Fifth Amendment right.

9 (Witness conferring with counsel off the record.)

10 Q. You said that Mr. Sabatine was feeling pressure,  
11 correct.

12 (Witness conferring with counsel off the record.)

13 A. Yes.

14 Q. What was the source of that pressure, as you  
15 understood it?

16 (Witness and counsel conferring off the record.)

17 A. I believe the pressure was coming from the FBI.

18 Q. All right.

19 And what specifically did the FBI do to create that  
20 pressure on Mr. Sabatine?

21 (Witness and counsel conferring off the record.)

22 A. They threatened to take everything he had.

23 Q. And how do you know that, that they said something  
24 like that?

25 A. It was in our conversation.

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1 Q. So Mr. Sabatine told you that the FBI threatened to  
2 take everything he had, or was that the conclusion he drew  
3 from the conversation? Which was it?

4 Witness and counsel conferring off the record.)

5 A. Will you repeat that, please, Mr. Smith?

6 Q. Did Mr. Sabatine come to the conclusion that he was  
7 being threatened with the loss of everything he had through  
8 something that the FBI said to him or through his own  
9 mental processes?

10 MR. TRAFICANT: Objection. How would he know  
11 what's in Mr. Sabatine's mind?

12 Q. Well, you just said you had a conversation with  
13 Mr. Sabatine, didn't you?

14 MR. TRAFICANT: Ask him about the  
15 conversation.

16 MR. SMITH: That's what I just did.

17 MR. TRAFICANT: Not what was in his mind.

18 THE COURT: You can answer. If you know, you  
19 can answer.

20 MR. TRAFICANT: I object to this.

21 THE COURT: I understand you do, but --

22 MR. TRAFICANT: You never allowed anybody to  
23 testify regarding what was in their mind about my  
24 questions.

25 THE COURT: The jury is not here. This is a

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1 special voir dire, and this is the Government's time --

2 THE WITNESS: I don't know.

3 THE COURT: -- to cross-examine. He has his  
4 lawyer sitting next to him. He's doing very well. Thank  
5 you.

6 MR. TRAFICANT: I'm trying to do my best as  
7 well.

8 THE COURT: No problem.

9 BY MR. SMITH:

10 Q. Did Mr. Sabatine say that the threat that he was  
11 going to lose everything he had -- did he say it came from  
12 the FBI or that it came from his own reaction to the visit  
13 by him?

14 A. I don't know.

15 Q. And so as you sit here today, you can't say for sure  
16 that the pressure that Mr. Sabatine felt about everything  
17 he owned came from the FBI, can you.

18 (Witness conferring with counsel off the record.)

19 A. That's where the pressure came from originally with  
20 him.

21 Q. All right.

22 MR. TRAFICANT: I didn't hear the answer.

23 MR. SMITH: Mr. Sabatine --

24 MR. TRAFICANT: I didn't hear the answer.

25 THE COURT: That's where the pressure came

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1 from originally with him was the answer.

2 BY MR. SMITH:

3 Q. And certainly, there was a threat of Prosecution of  
4 Mr. Sabatine, correct?

5 A. I believe so.

6 Q. And you would agree the FBI is in the business of  
7 developing cases to prosecute people. That's their job,  
8 correct?

9 (Witness and counsel conferring off the record.)

10 A. Yes.

11 Q. All right.

12 So again, did Mr. Sabatine tell you that the threat  
13 of losing everything he owned, did that come -- did  
14 Mr. Sabatine say that came from something the FBI told him,  
15 or did that come from Mr. Sabatine's own mental reaction to  
16 the visit by the FBI?

17 A. I wouldn't know that.

18 Q. And so, therefore, you cannot say that Mr. Sabatine's  
19 feeling about being threatened as to everything he owned  
20 came from a statement made to him by the FBI. You can't  
21 say that, can you?

22 (Witness conferring with counsel off the record.)

23 A. I guess I can't say that.

24 Q. All right. Now, your father, Russell Saadey, Senior  
25 at one time was the vice chairman of Mahoning County



Saadey - Voir Dire Cross/Smith

1 Democratic party; is that right?

2 (Witness conferring with counsel off the record.)

3 A. I exercise my Fifth Amendment right.

4 Q. Was your family involved in a business known as the  
5 Upstairs Lounge on Mahoning Avenue in Austintown?

6 A. I exercise my Fifth Amendment right.

7 Q. Was the Upstairs Lounge frequented by politically  
8 active people in the Democratic party?

9 A. I exercise my Fifth Amendment right.

10 Q. Did the chairman of the Columbiana County Democratic  
11 Party, Dennis Johnson, frequent the Upstairs Lounge?

12 A. I exercise my Fifth Amendment right.

13 Q. Did you on more than one occasion meet with  
14 Mr. Johnson at the Upstairs Lounge?

15 A. I exercise my Fifth Amendment right.

16 Q. Did you ever meet with Mr. Johnson about a case known  
17 as the Silvestri case?

18 A. I exercise my Fifth Amendment right.

19 Q. Did you ever call Mr. Johnson and ask him to  
20 intervene with a county prosecutor's office about the  
21 Silvestri case?

22 A. I exercise my Fifth Amendment right.

23 Q. Now, sir, you were asked on direct examination by the  
24 Congressman about this meeting that you had with the --  
25 you -- that you had with the FBI agents; is that right?

Saadey - Voir Dire Cross/Smith

1 A. I don't recall.

2 Q. Well, didn't the Congressman go through a long litany  
3 of questions about contact that you had with FBI agents  
4 where they supposedly promised you immunity and leniency?  
5 Didn't you testify about that on direct?

6 (Witness and counsel conferring off the record.)

7 A. Yes, there was one meeting.

8 Q. All right.

9 When did that meeting with those FBI agents occur?

10 A. I don't want to guess, and I really don't remember  
11 the exact date.

12 Q. How about a year?

13 (Witness and counsel conferring off the record.)

14 A. Can I get back to you at another time because I don't  
15 have it with me, but I can get it.

16 Q. All right. Let's try it this way.

17 Were you indicted on December the 7th, 2000, and  
18 arrested shortly thereafter in connection with the cases  
19 you were tried before Judge O'Malley on?

20 (Witness and counsel conferring off the record.)

21 A. I believe so, December of 2000.

22 Q. December 2000 was the month that you were indicted,  
23 correct?

24 A. If you tell me, I really don't remember, being honest  
25 with you.

Saadey - Voir Dire Cross/Smith

1 Q. All right.

2 Did the meeting that you had with the FBI occur  
3 before or after you got indicted?

4 A. Before.

5 Q. How long before?

6 A. I'm sorry. I just don't remember.

7 Q. Can you give any estimate to the number of months  
8 before?

9 A. I can find out if I go through files.

10 Q. All right. Well, isn't it true that in 1998,  
11 specifically on August the 19th of 1998, that you were  
12 interviewed by two agents with the IRS?

13 (Witness and counsel conferring off the record.)

14 A. I exercise my Fifth Amendment right.

15 Q. Specifically, did IRS special agents, Dennis Dolis  
16 and Patricia Reese interview you solely and exclusively  
17 about your tax situation in August of 1998?

18 A. I exercise my Fifth Amendment right.

19 Q. And they didn't solicit your cooperation in any way,  
20 shape, or form, did they, those two IRS agents?

21 A. I exercise my Fifth Amendment right.

22 Q. Now, you said that these FBI agents before you got  
23 indicted, promised you leniency or immunity if you  
24 cooperated; is that right?

25 (Witness conferring with counsel off the record.)

Saadey - Voir Dire Cross/Smith

1 A. Yes.

2 Q. Did they make -- did they make any statement to you  
3 that their representations had been approved in any way by  
4 the U.S. Attorney's Office.

5 (Witness conferring with counsel off the record.)

6 A. Will you repeat that one more time, Mr. Smith?

7 Q. Did the agents, who allegedly promised you immunity  
8 and/or leniency, make any representation to you that their  
9 promise or promises had been approved by the United States  
10 Attorney's Office?

11 (Witness conferring with counsel off the record.)

12 A. I can't remember.

13 Q. Now, on direct examination, did you indicate that  
14 when your cooperation was solicited by the FBI, that you  
15 thought that you would need to be truthful? Did you say  
16 that on direct examination?

17 (Witness conferring with counsel off the record.)

18 A. I don't recall the specific answer to that.

19 Q. Didn't you say on direct examination you got the  
20 impression if you cooperated with the FBI, that you would  
21 need to be truthful? Didn't you say that on direct here  
22 today?

23 (Witness conferring with counsel off the record.)

24 A. If you say I said it. I don't think you're lying to  
25 me.

Saadey - Voir Dire Cross/Smith

1 Q. Well, did any FBI agent that interviewed you that day  
2 ask you to lie?

3 (Witness conferring with counsel off the record.)

4 A. Nobody specifically asked me to lie.

5 Q. Nobody asked to you lie that day, right?

6 (Witness and counsel conferring off the record.)

7 A. Nobody specifically asked me to lie.

8 Q. All right.

9 Did the FBI agent say to you I don't care if you tell  
10 the truth or not, or if you tell lies, cooperate and you  
11 get a deal? Did the FBI agent say anything remotely close  
12 to that to you?

13 (Witness conferring with counsel off the record.)

14 A. Yes.

15 Q. So you're telling us, under oath, that an FBI agent  
16 told you, in words, in words, that it didn't matter if you  
17 told the truth or if you lied, that you could get a deal;  
18 is that what your testimony is?

19 THE WITNESS: Is that what he just asked me?

20 MR. SMITH: Yes. That's what I just asked  
21 you.

22 THE WITNESS: Would you reword the question  
23 please?

24 MR. SMITH: Sure.

25 Q. Did an FBI agent tell you, in his own words, that you

Saadey - Voir Dire Cross/Smith

1       could get a deal to benefit yourself, and it didn't matter  
2       if you told the truth or if you lied?

3               (Witness conferring with counsel off the record.)

4       A.     I said -- I think he never specifically said if I  
5       lied.

6       Q.     So isn't it true that anything about telling a lie  
7       and getting a benefit for it was what was going on in your  
8       mind?

9       A.     That's correct.

10      Q.     So you were thinking, hey, maybe I can pull -- maybe  
11     I can pull a snow job on these guys if I tell them a lie  
12     and they buy it, I can get myself a deal. That's what was  
13     going on in your head; is that correct.

14             (Witness conferring with counsel off the record.)

15      A.     I exercise my Fifth Amendment right.

16      Q.     Wasn't based on what the agents said; it was what was  
17     going on in your mind; you thought you could lie and get a  
18     deal, right?

19      A.     Once again, I take my Fifth Amendment right.

20      Q.     After all, you would lie to Jim Philomena, the  
21     Prosecutor of Mahoning County, about a bribing scheme,  
22     wouldn't you?

23      A.     I exercise my Fifth Amendment right.

24      Q.     Now, sir, when the agent solicited your cooperation,  
25     they -- they made a general request for your cooperation

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1 about anything that you might have knowledge about; isn't  
2 that right?

3 (Witness and counsel conferring off the record.)

4 A. I don't know.

5 Q. Well, they certainly never said we want you to  
6 cooperate, solely, exclusively, against Congressman  
7 Traficant. They never told you that, right?

8 (Witness conferring with counsel off the record.)

9 A. Philomena, Traficant, and any other information I can  
10 share with you.

11 Q. All right.

12 At the time, you were -- you were indicted with a  
13 co-defendant by the name of James Vitullo, correct?

14 A. No.

15 Q. Were you tried jointly with James Vitullo?

16 (Witness conferring with counsel off the record.)

17 A. I exercise my Fifth Amendment right.

18 Q. You said that the agent solicited your cooperation as  
19 to Prosecutor Philomena, right?

20 A. Yes.

21 Q. So it stands to reason then that your cooperation was  
22 solicited before Mr. Philomena pled guilty, correct?

23 (Witness and counsel conferring off the record.)

24 A. Correct.

25 Q. When did Mr. Philomena plead guilty?

Saadey - Voir Dire Cross/Smith

1 A. You tell me. I mean, I don't mean to be smart. I  
2 think you've got it written down.

3 Q. You were jointly tried with Mr. Vitullo; is that  
4 right?

5 A. That's correct.

6 Q. And you understood the Government's offer of  
7 cooperation to extend to anything you might have to say  
8 about Mr. Vitullo as well, didn't you?

9 MR. KOPP: I'm sorry, the question was?

10 Q. You understood the FBI's offer of -- offer to have  
11 you cooperate as extending to what you could tell them  
12 about Mr. Vitullo as well, correct?

13 (Witness conferring with counsel off the record.)

14 A. No, Vitullo's name never came up when I was  
15 interviewed by a specific agent when he mentioned --

16 Q. My question is: Did you understand the offer of  
17 cooperation -- did you understand their offer of what you  
18 could cooperate about to include Mr. Vitullo in your own  
19 mind?

20 A. No.

21 MR. TRAFICANT: Repeat that question for me,  
22 please.

23 (Thereupon, the record was read back by the Court  
24 Reporter.)

25 MR. TRAFICANT: What was the answer?

Saadey - Voir Dire Cross/Smith

1 THE COURT: No.

2 BY MR. SMITH:

3 Q. Now, when the FBI asked you to cooperate, did you  
4 feel pressured.

5 (Witness conferring with counsel off the record.)

6 A. I exercise my Fifth Amendment right.

7 Q. Isn't it a fact, sir, that simply by virtue of having  
8 had contact with the FBI and having been informed by them  
9 that you are a target of a criminal investigation, that  
10 merely that information was sufficient for you to feel  
11 pressured?

12 A. I exercise my Fifth Amendment right.

13 Q. A FBI agent would have to do nothing at all improper  
14 in order for a person who's a target of their investigation  
15 to feel pressure, would it?

16 (Witness conferring with counsel off the record.)

17 A. Are you asking regards to me or in general?

18 Q. You.

19 A. I exercise my Fifth Amendment right.

20 MR. SMITH: Your Honor, I think we'll stop  
21 there. Thank you.

22 THE COURT: Thank you.

23 MR. TRAFICANT: Your Honor, I have some  
24 redirect questions for this witness.

25 THE COURT: Okay. You can do it.

## Saadey - Voir Dire Redirect

1 MR. TRAFICANT: Pardon?

2 THE COURT: You can do a few. What would  
3 be -- remember that the point of this inquiry is limited.  
4 What we're trying to do here is to see where this Defendant  
5 wishes to assert his Fifth Amendment and where he doesn't  
6 so that we can compare direct and cross in terms of a very  
7 technical Rules of Evidence that has evolved in this case.

8 VOIR DIRE REDIRECT EXAMINATION OF RUSSELL SAADEY  
9 BY MR. TRAFICANT:

10 Q. Mr. Saadey, did the FBI ever say to you that they  
11 would give you leniency if you made statements against me?

12 (Witness conferring with counsel off the record.)

13 A. Yes.

14 Q. Was your present state of mind a result of your own  
15 impressions or the FBI's pressure?

16 (Witness conferring with counsel off the record.)

17 A. I exercise my Fifth Amendment right.

18 Q. The Government asked you a lot of questions about  
19 your case, is that not correct?

20 A. They did.

21 Q. Have I asked you questions about your case?

22 (Witness conferring with counsel off the record.)

23 A. Reread the question, please, I'm sorry.

24 (Thereupon, the record was read back by the Court  
25 Reporter.)

## Saadey - Voir Dire Redirect

1 (Witness conferring with counsel off the record.)

2 A. No, not that I remember you asking me any questions  
3 about my case.

4 Q. Were not all my cases and were not all my questions  
5 directed to the state of pressure that was visibly observed  
6 by you on Mr. Sabatine?

7 (Witness conferring with counsel off the record.)

8 A. Yes.

9 Q. You answered?

10 A. Yes.

11 Q. So all of my questions have been regarding your  
12 conversation concerning Mr. Sabatine; is that correct?

13 MR. SMITH: Objection. It's not even true,  
14 according to the transcript.

15 THE COURT: Okay. Well, the transcript is  
16 the one record, but you also can inquire as to what his  
17 memory reflects.

18 BY MR. TRAFICANT:

19 Q. To the best of your memory, were my questions  
20 directed towards your conversation with Mr. Sabatine  
21 immediately after he had been interviewed by the FBI?

22 (Witness conferring with counsel off the record.)

23 A. A good portion of it, yes.

24 Q. Was it your testimony that he was extremely -- that  
25 he was very upset and nervous because of that meeting with

## Saadey - Voir Dire Redirect

1 the FBI?

2 A. Yes.

3 Q. And did he say to you that he was being pressured to  
4 make false statements against Jim Traficant?

5 (Witness conferring with counsel off the record.)

6 A. He said he was under pressure to cooperate.

7 Q. Was he still in the same state of being upset and  
8 nervous when he said he did not bribe Jim Traficant?

9 A. Yes.

10 Q. Was he in the same state of nervousness when he said  
11 he made contributions?

12 A. Yes.

13 Q. Did he say that those -- was he in the same state of  
14 nervousness when he said that the contributions he made had  
15 been spread out over a number of years?

16 A. Yes.

17 Q. In all of the years that you've known Mr. Sabatine,  
18 have you ever seen him that nervous and upset?

19 (Witness conferring with counsel off the record.)

20 A. No.

21 Q. While he was nervous and upset, did he say to you  
22 that the Government was going to take his house and all his  
23 money?

24 MR. SMITH: You know, this is leading to the  
25 extreme.

## Saadey - Voir Dire Redirect

1                   THE COURT: It is over the edge. You can't  
2                   lead that way. You know that, Congressman. Find another  
3                   way to ask a question so that we can hear the witness.

4                   BY MR. TRAFICANT:

5                   Q.       While Mr. Sabatine was under -- was he under  
6                   continuing stress when he told you -- when he talked about  
7                   the Government taking his property and all his money?

8                   MR. SMITH: Object to the leading again.

9                   THE COURT: It's the same objection, and it's  
10                  sustained. Move on to something else if you can't rephrase  
11                  it.

12                  Q.       While Mr. Sabatine was under continuing stress, did  
13                  he make any statements to you regarding his property and  
14                  his money?

15                  (Witness conferring with counsel off the record.)

16                  A.       Yeah. I believe I already told you what he said.

17                  Q.       And that's a yes?

18                  A.       Yes.

19                  Q.       Did Mr. Sabatine ever under any circumstances of any  
20                  degree of being upset ever make to you any statements that  
21                  were so critical?

22                  (Witness conferring with counsel off the record.)

23                  A.       So critical of what, counsel?

24                  Q.       So critical of his own welfare.

25                  A.       No.

Saadey - Voir Dire Redirect

1 Q. When you said he was nervous, did you notice him  
2 shake at all?

3 MR. SMITH: Leading again.

4 THE COURT: Well, we went over this when you  
5 had him on direct. We don't need to go over it again.

6 BY MR. TRAFICANT:

7 Q. When Mr. Sabatine made these statements to you under  
8 stress, did you, in fact, make any comments or make any  
9 statements back to Mr. Sabatine?

10 (Witness conferring with counsel off the record.)

11 A. I must exercise my Fifth Amendment right.

12 Q. Would you be willing to testify under oath if the  
13 questions were limited simply to the incident immediately  
14 following Mr. Sabatine's meeting with the FBI and his  
15 stressful situation and nothing more? ?

16 (Witness conferring with counsel off the record.)

17 THE COURT: Are you saying with no  
18 cross-examination and all that? Is that what you mean by  
19 nothing more?

20 MR. TRAFICANT: No. I'm saying if it was  
21 limited strictly to his conversation with Mr. Sabatine and  
22 the statements and declarations made by Sabatine under  
23 pressure.

24 MR. SMITH: And I would object that it is  
25 irrelevant what this witness would care to testify about or

Saadey - Voir Dire Redirect

1 not. It's not up to the witness.

2 THE COURT: No, it's not, but I think it is  
3 all right for you to ask him the question. But I'm not  
4 clear whether you're asking him in regard to just  
5 cross-examination -- I mean, just direct examination or  
6 cross-examination?

7 MR. TRAFICANT: Your Honor, I'm going  
8 stipulate for the Court that there are compelling factors  
9 regarding this witness, and that this witness' knowledge,  
10 dealing with the Traficant case, is the only thing that I'm  
11 concerned about.

12 THE COURT: All right.

13 Q. Now, having said that, would you be willing to  
14 testify if this examination of you would simply be limited  
15 to the Sabatine issue that dealt with me and had nothing to  
16 deal with concerning anything else?

17 (Witness conferring with counsel off the record.)

18 THE WITNESS: I can only answer on a  
19 question-by-question basis.

20 Q. If the Judge were to immunize you --

21 THE COURT: Wait. He has his lawyer here.  
22 He is asserting his Fifth Amendment rights, which he is  
23 entitled to do, and, in fact, asserting them question by  
24 question is what -- is the way that you do those.

25 So he has to listen to his lawyer.

Saadey - Voir Dire Redirect

1 MR. TRAFICANT: I didn't get all of your  
2 answer.

3 THE COURT: Well, that's because his answer  
4 wouldn't be appropriate to that question.

5 MR. TRAFICANT: Okay.

6 THE COURT: His lawyer is here to advise him  
7 about what he's going to do.

8 BY MR. TRAFICANT:

9 Q. Are you concerned with any other statements that may  
10 or may not have been made to me, other than my case?

11 (Witness conferring with counsel off the record.)

12 A. I really don't know what you're asking me. Ask you  
13 -- say that again, or rephrase it or --

14 Q. Would you be concerned about any statements you may  
15 or may not have said to me regarding my case or other  
16 matters?

17 (Witness and counsel conferring off the record.)

18 A. I must exercise my Fifth Amendment right.

19 Q. Did Agent Speranza threaten you?

20 (Witness conferring with counsel off the record.)

21 A. Sorry. I must exercise my Fifth Amendment right.

22 Q. Did Mr. Speranza discuss with you the congressional  
23 investigation concerning his rape of one of my  
24 constituents?

25 MR. SMITH: Objection.

## Saadey - Voir Dire Recross

1 THE COURT: Sustained. That will conclude  
2 this part of these proceedings. You have any -- you have  
3 any redirect -- I mean any recross?

4 MR. SMITH: Just one question.

5 VOIR DIRE RECROSS-EXAMINATION OF RUSSELL SAADEY  
6 BY MR. SMITH:

7 Q. When did the conversation with Mr. Sabatine occur in  
8 which he made those statements to you? When was it?

9 (Witness conferring with counsel off the record.)

10 A. Mr. Smith, I can't recall the specific time. I mean,  
11 we're a close family, and I mean, I see him a lot at my  
12 mother's house, his house. It was right after his  
13 incident. I mean, I don't know the specific dates or  
14 times. I'm sorry.

15 Q. Can you give us even a year?

16 A. I swear to God, what I been through the last six  
17 years, you know -- I don't remember.

18 MR. TRAFICANT: Objection. Asked and  
19 answered.

20 THE WITNESS: I have to go reference to  
21 reference. I can't -- and I don't know, why lie?

22 THE COURT: Okay.

23 MR. TRAFICANT: Can I have a redirect?

24 THE COURT: No. You can't have any more  
25 right now. We have a lot of other issues to go to, and you

1       persist in bringing up things that you're not allowed to  
2       bring into this case. So we're going to conclude this  
3       right now and release you.

4               MR. KOPP: Your Honor, may I put one thing on  
5       the record before we leave? As you know, this not only  
6       affects this case, but --

7               THE COURT: Yes, you can.

8               MR. KOPP: If I could.

9               THE COURT: Yeah, just say it so everybody  
10       can hear.

11              MR. KOPP: I'll step down here.

12              THE WITNESS: Thank you, your Honor.

13              THE COURT: You're welcome.

14              MR. KOPP: Your Honor, as you are aware, we  
15       are here because he was properly -- or Mr. Saadey was  
16       properly served with a subpoena.

17              THE COURT: Right.

18              MR. KOPP: When he presented himself in court  
19       yesterday, I cited you two cases, which my understanding in  
20       our circuit is quite simply this. If we have to present  
21       ourselves and inform the Court that we intend to exercise  
22       our Fifth Amendment right, that the Court then is entitled  
23       to voir dire, do whatever process it chooses. We never  
24       intended this process in any way, shape, or form to waive  
25       our Fifth Amendment right. We tried to give you our best

1       indication as to where we would raise that issue.

2                   THE COURT:   Right.

3                   MR. KOPP:   There are limited issues where  
4       right now we cannot foresee any criminal prosecution.  In  
5       particular, with the conversation he had with Mr. Sabatine.  
6       He was never threatened in any conspiracy, never made aware  
7       by the Government, never charged in either Columbiana  
8       County or the federal case with anything that had to do  
9       with Mr. Sabatine.

10                  That being said, we in good faith answered those  
11       questions before the Court today without frivolously  
12       raising our Fifth Amendment rights.

13                  We never intended that to be a waiver.  It was only  
14       for the Court to make a decision here today.  And I think  
15       that would make clear for the record, if for some case or  
16       some instance Mr. Saadey's case is overturned by the Court  
17       of Appeals and comes back down and intends to take the  
18       stand.

19                  THE COURT:   Okay.  Thank you very much.

20                  MR. SAADEY:  Thank you, your Honor.

21                  MR. KOPP:   Thank you, your Honor.

22                  THE COURT:   You're welcome.

23                  We have several other issues that were raised that we  
24       should handle, but we're only going until 6:00.  So,  
25       Congressman, can you update us on the welder?

1                   MR. TRAFICANT: I have -- I haven't been able  
2                   to communicate. My congressional liaison was in an  
3                   accident yesterday. I haven't even had the opportunity to  
4                   make a phone call.

5                   THE COURT: So is the answer no, we don't  
6                   have any new information?

7                   MR. TRAFICANT: I don't know, I am -- I'll  
8                   try to have it here as early as possible and look into it  
9                   myself this weekend if I don't have it here tomorrow. I  
10                  will work on it tonight.

11                  THE COURT: How many witnesses do you have  
12                  for tomorrow?

13                  MR. TRAFICANT: I have to lineup witnesses  
14                  for tomorrow. We still have --

15                  THE COURT: Well, you're going to have to --  
16                  you know your case; can't just --

17                  MR. TRAFICANT: No. I know that. I'm trying  
18                  to say --

19                  THE COURT: You have to get your witnesses  
20                  in, get the welder down here, because we're -- we need to  
21                  be giving the jury work to do, and they're coming in  
22                  tomorrow at 9:00. What they have when they get in here is  
23                  very brief.

24                  MR. TRAFICANT: I plan to call tonight some  
25                  bankers, and I would hope that I'd be able to offer them

1 tomorrow. I would also be trying to bring in Attorney Mark  
2 Colucci tomorrow as a witness. I don't know how long the  
3 bank situation is going to take. It could be quite  
4 lengthy.

5 Now, I will also notify the Prosecution in the  
6 morning if, in fact, I have any other witnesses that I've  
7 been able to subpoena. I've been trying to make service on  
8 -- subpoenas in some cases and have been made to and  
9 haven't been able to make those subpoenas and been working  
10 very hard to do so.

11 And if they're made, they'll be here, but I'm going  
12 to call tonight to have a banker here, tomorrow relative to  
13 some statements. The banker may have to be recalled  
14 because not all the statements that I have requested have  
15 yet been here, but I have turned over expeditiously upon  
16 receipt as soon as I possibly could, had them copied to the  
17 Prosecution.

18 MR. SMITH: We got one batch way back.

19 MR. MORFORD: No. When?

20 MR. SMITH: Yeah; hasn't been since the first  
21 batch.

22 THE COURT: Okay. What is it that you say  
23 you've turned over?

24 MR. TRAFICANT: I've turned over matters that  
25 are significant to the case that I plan to use regarding

1 Home Savings and Loan accounts, and I turned them over to  
2 the Government as soon as I could have them copied.

3 MR. MORFORD: My question is: The records  
4 he's talking about having this banker testify to tomorrow,  
5 has he given us those yet?

6 THE COURT: Have you?

7 MR. TRAFICANT: Yes, I have. I've given them  
8 to you in boxes.

9 MR. MORFORD: Okay. You're not bringing in  
10 any records tomorrow that we haven't seen?

11 MR. TRAFICANT: Unless between now and  
12 tomorrow I get some certain things that I have yet to  
13 receive, and I will give them to you immediately, even  
14 if -- I don't have time to copy them. I will share them  
15 with you.

16 THE COURT: Okay. Well, I have another  
17 concern, which is that we have an entire court staff plus a  
18 jury to deal with on a day of your trial, presenting your  
19 defense, and so far I've only heard that you have one or  
20 maybe two witnesses, and I can't imagine that you can take  
21 up the jury's time with one or two witnesses, even if the  
22 welder arrives and we have a welder to view. You've got to  
23 put on your case.

24 MR. TRAFICANT: I am, your Honor, and I'm  
25 putting on my case. And there are people that are ducking

1 my subpoenas. It took me a long time to subpoena Mr.  
2 Saadey.

3 THE COURT: Well, we're talking about  
4 tomorrow. Which other witnesses are you going to bring in  
5 here?

6 MR. TRAFICANT: I know that I'm trying to get  
7 Colucci up here. I'm trying to get -- I'll bring the  
8 banker up here.

9 THE COURT: That's two.

10 MR. TRAFICANT: I still do not have all the  
11 information from the banker that I want, but I'll bring in  
12 that banker --

13 THE COURT: We need more witnesses than that  
14 unless you're going to conclude tomorrow. If you're going  
15 to conclude --

16 MR. TRAFICANT: No. I'm not going to  
17 conclude tomorrow.

18 THE COURT: Well, you get your witnesses in  
19 here. How many more witnesses do you have?

20 MR. TRAFICANT: Well, I have about seven or  
21 eight subpoenas out there, and I am hoping that they will  
22 be served. And if they are, I'll have those people here  
23 tomorrow.

24 MR. MORFORD: Can we have a list of who they  
25 are.

1 THE COURT: They aren't served?

2 MR. TRAFICANT: They haven't been served. I  
3 haven't been able to reach certain witnesses.

4 THE COURT: Okay. Give us the names so we  
5 know who you're serving.

6 MR. TRAFICANT: I don't have the list with  
7 me, but I know we're trying to service Tyson, Greg Tyson, a  
8 Josephine Hewlitt. There are several banks that said they  
9 weren't able to provide the information that we would need  
10 for several weeks. I do have information -- some  
11 information that I shared already with the Government.

12 THE COURT: Okay. Now, I have three  
13 witnesses: Greg Tyson, Josephine Hewlitt, and Colucci.  
14 Who else?

15 MR. TRAFICANT: And the banker.

16 THE COURT: And the banker. That's four.  
17 That's not going to take an entire day.

18 MR. TRAFICANT: It may, it would be an  
19 extensive --

20 THE COURT: If it takes --

21 MR. TRAFICANT: That banking business is  
22 going to be very extensive.

23 THE COURT: If it takes an entire day, that's  
24 very interesting, because I -- it's unusual to only have to  
25 call four people to take up a whole trial day.

1                   MR. TRAFICANT: Your Honor, we have one trial  
2                   day here. They've taken --

3                   THE COURT: Give us some more. Give us some  
4                   more.

5                   MR. TRAFICANT: No. They've taken up several  
6                   weeks of a trial, and they used one day alone just for  
7                   Bucci and one other case.

8                   THE COURT: Are you expecting that any of  
9                   these three that you've told me about, Josephine Hewlitt,  
10                  Greg Tyson, or Colucci, are going to take a day or half a  
11                  day?

12                  MR. TRAFICANT: I don't know how long they're  
13                  going to take. I don't know how much time we're going to  
14                  take.

15                  THE COURT: How long for you, and then as  
16                  they've always said, they can maybe estimate how long  
17                  theirs will take.

18                  MR. TRAFICANT: I don't know. I can't  
19                  predetermine the banker situation.

20                  THE COURT: Forget the banker for a minute.

21                  MR. TRAFICANT: I would feel that they would  
22                  take up half the day if I was able to get those three, and  
23                  I'm sure the banker would take up the morning, maybe even  
24                  more than that.

25                  MR. MORFORD: Your Honor, he said seven or



1       eight witnesses. Can he tell who the other four are?

2               MR. TRAFICANT: I don't know who they are out  
3       there. I have to look at my list. Why does the Government  
4       have to know my list?

5               THE COURT: We have to know how to spend the  
6       time in a trial --

7               MR. TRAFICANT: I'm hoping they have --

8               THE COURT: -- of jurors, alternates, staff,  
9       two court reporters and a whole lot of people. We handle  
10      many cases inside this courtroom. I have five pending  
11      death penalty habeas cases. We have to allocate our time.  
12      And we can't have you using a little piece of a trial day.

13              MR. TRAFICANT: Your Honor, I object to that.  
14      They have taken several weeks on --

15              THE COURT: You can take more time.

16              MR. TRAFICANT: I have taken one week, and I  
17      plan to finish next week.

18              THE COURT: But I want you to fill the trial  
19      days.

20              MR. TRAFICANT: I am going to do that. I  
21      would hope to conclude by next week, but -- with but two  
22      weeks of defense, after they've taken seven weeks and taken  
23      a lot of time -- they filled up two days with two  
24      witnesses.

25              THE COURT: It sounds as if you don't yet

1 know who your witnesses will be.

2 MR. TRAFICANT: If I can't get them  
3 subpoenaed, how can I get them here? I have a list out. I  
4 am trying to get Mr. Cascarilla here. That's another one  
5 who wrote the letter where Morford stated O'Nesti was not a  
6 member of organized crime that you would not allow in, and  
7 before I leave, I want to introduce some evidence into the  
8 record today.

9 THE COURT: Okay. Well, that's one of the  
10 other items we have on here, which is that this letter,  
11 which I think you've offered to two separate witnesses.

12 MR. TRAFICANT: That has been identified --

13 THE COURT: Something that they got, yeah.

14 MR. TRAFICANT: And had knowledge, personal  
15 knowledge.

16 THE COURT: Right. But they didn't offer the  
17 letter. And so I said that we would at a break take the  
18 time we need to take in order to have you establish why it  
19 is that either of these witnesses might be able to do  
20 something with this letter. But if you're going to bring  
21 in the author of the letter --

22 MR. TRAFICANT: I don't know if I can bring  
23 the author in a timely manner. If you want to stay here  
24 until July. These people are ducking me. I tried to get  
25 Tony Bucci at Rotatori's and never got a call back. I want

1 Tony Bucci on the stand again.

2 THE COURT: Let's talk about this letter.

3 MR. TRAFICANT: I want to talk now about the  
4 letter. Two witnesses have identified that they were  
5 handed to them by Chuck O'Nesti, had personal knowledge,  
6 had seen it, and had read it, and, in fact, Mr. O'Nesti was  
7 circulating said thing in his own behalf.

8 THE COURT: Now we'll let the Government  
9 respond.

10 MR. MORFORD: Your Honor, first of all, the  
11 letter is entirely irrelevant. It was Congressman  
12 Traficant who first broached the topic of Mr. O'Nesti's  
13 reputation. The testimony has been that he had a  
14 reputation of being a liaison between Mahoning Valley  
15 politicians and the mob. There's never been any suggestion  
16 that he was made a member of the LCN. That letter was a  
17 request by Mr. O'Nesti's attorney because it would make  
18 Mr. O'Nesti happy to have us say what is true, that he was  
19 not a made member of the LCN, didn't go through the  
20 ceremony, didn't play the part of an assistant, and all  
21 that other stuff.

22 No one has suggested in this trial or outside this  
23 trial that Congressman Traficant 's chief aide was a member  
24 of the Mafia. He is not. But, the letter is entirely  
25 irrelevant. It's confusing. It has nothing to do with the

1 facts of this case. It was -- the topic of his reputation  
2 was only brought up by the Congressman in the first place,  
3 and it's been asked of other witnesses because it was  
4 brought into the trial.

5 Number 2, it's hearsay.

6 MR. TRAFICANT: I object. It is not hearsay.

7 THE COURT: Well, that's what we're having a  
8 hearing about. Tell us why it's not hearsay. Okay? We  
9 already have established --

10 MR. TRAFICANT: The problem established, the  
11 Prosecution put their case on first. They reported to  
12 every witness the reputation of Mr. O'Nesti as a bag man  
13 for the mob. Now, I have a letter when he was cooperating  
14 with them in a former case, that he was not such a person.  
15 Now, he writes a letter to the attorney because evidently  
16 the Congressman wanted to know what those phone calls of  
17 Strollo were about, and Mr. Morford said that they never  
18 alleged that he was affiliated with any organized crime  
19 entity.

20 MR. MORFORD: No.

21 MR. SMITH: Member.

22 MR. TRAFICANT: Member of or involved --  
23 whatever it was.

24 MR. SMITH: Member.

25 MR. TRAFICANT: Now, the point is, they

1       referred to him as a bag man to, in fact, infer that me as  
2       his boss had a bag man on my staff to hurt my case.

3               THE COURT:   Okay.

4               MR. TRAFICANT:  They broached the subject and  
5       I think Morford's letter stating that Mr. O'Nesti was not  
6       affiliated with organized crime, and I think we should get  
7       the letter out and look at it.

8               THE COURT:  Certainly, we have to get the  
9       number on it on the record.  And then we have to establish  
10      who actually wrote the letter.

11              MR. TRAFICANT:  I think we already discussed  
12      that.

13              THE COURT:  Well, you keep saying it's the  
14      Morford letter.

15              MR. TRAFICANT:  The bottom line is,  
16      regardless of whom, it wasn't -- it was sent to me at 125  
17      Market Street, and I don't answer the mail at 125 Market  
18      Street.  And in that regard, that makes that evidence,  
19      regarding Mr. O'Nesti, absolutely -- here is the letter,  
20      and I want to read it into the record.

21              THE COURT:  Well, if you want to -- you know.

22              MR. TRAFICANT:  I want to proffer it for the  
23      record right now.

24              THE COURT:  We're trying to get you to  
25      identify it so it's part of the record.

1 MR. TRAFICANT: It is O-1.

2 THE COURT: Thank you.

3 MR. TRAFICANT: It is not a facsimile and  
4 regular mail dated December 22nd, 1997, addressed to  
5 Congressman Traficant at 125 Market Street, Youngstown,  
6 Ohio, re: Charles P. O'Nesti: Dear Congressman Traficant.

7 THE COURT: Slow down a little now so she can  
8 write it. Slow down.

9 MR. TRAFICANT: I write on behalf of -- and  
10 at the request of my client, Mr. Charles P. O'Nesti,  
11 regarding recent public disclosures alleging Mr. O'Nesti to  
12 be a member of the Pittsburgh La Costa Nostra organized  
13 crime family.

14 I have received clarifications from AUSA Attorney,  
15 Craig S. Morford, that the Government does not contend, nor  
16 has it alleged in any filing through the Court, that  
17 Mr. O'Nesti is a member of the Pittsburgh LCN or any other  
18 organized crime family.

19 Yet, they convicted him for his involvement with mob  
20 boss, Lenny Strollo.

21 MR. MORFORD: Yeah.

22 MR. TRAFICANT: I further read into the  
23 letter --

24 THE COURT: Okay. Please --

25 MR. TRAFICANT: I trust this information will

1       be of assistance to you in assessing the statements made  
2       about Mr. O'Nesti in the local media.

3               If you desire any further information concerning this  
4       matter, please do not hesitate to contact me.   CC  
5       Mr. Charles P. O'Nesti.

6               Now, the words or any other organized crime family --

7               THE COURT:   Read who signed the letter so we  
8       know whose letter it is.

9               MR. TRAFICANT:   Attorney Ralph E. Cascarilla  
10       of Cleveland, and I'm attempting to have him served.

11               Now, the point I'm making though, he doesn't just say  
12       a member or any other organized crime family.   He was -- he  
13       was subpoenaed in.

14               THE COURT:   Well, it says what it says,  
15       Congressman.   The point is, tell me now why it's not  
16       hearsay.   That's what we're here for.   Tell me why it's not  
17       hearsay.

18               MR. TRAFICANT:   Because these people have  
19       personal knowledge that received this letter directly from  
20       O'Nesti.

21               THE COURT:   Or bring in the man who wrote the  
22       letter.

23               MR. TRAFICANT:   I'm trying to do that.   If I  
24       have him -- and I will have him here tomorrow, he's -- let  
25       me tell you this:   The Government is trying to have it both

1       ways. During the Strollo trial, they have him tied in with  
2       Strollo and convict him for perjuring himself in the  
3       Strollo case, and Strollo is supposedly the mob boss. Then  
4       they referred to him as the bag man in the Traficant case  
5       in front of the jury --

6               THE COURT: The Government has not referred  
7       to him that way.

8               MR. TRAFICANT: They have if you look through  
9       the testimony.

10              THE COURT: Witnesses have. But anyway, I'm  
11       still waiting to hear why that's not hearsay.

12              MR. TRAFICANT: Well, I would like to have  
13       the opportunity to just try and continue to subpoena this  
14       witness. I'll try to have this witness here tomorrow.

15              THE COURT: Okay. Very well. Now we've got  
16       a couple more things that's really getting in the wire  
17       here. Let's see what we reserved.

18              MR. TRAFICANT: I have some exhibits I want  
19       to introduce, your Honor.

20              THE COURT: Okay. Just one second.

21              MR. TRAFICANT: You'll have to determine --

22              THE COURT: There was a hearsay issue that we  
23       said you could handle with Kovachik. Am saying that right?  
24       And also with Johnson.

25              MR. TRAFICANT: Did you rule on that? And

1       also I have under subpoena Mr. Saadey. He's been standing  
2       around here missing --

3               THE COURT: Well, he's come in.

4               MR. TRAFICANT: Is he allowed as a witness?

5               THE COURT: I haven't decided all that. I  
6       have to go through the whole transcript of all of his  
7       claims of --

8               MR. TRAFICANT: Well, he is a subpoenaed  
9       witness of mine.

10              THE COURT: Okay. He can respond, and he  
11      came here today.

12              MR. TRAFICANT: Yes, he has.

13              MR. KOPP: Your Honor, just so I know, is he  
14      required to be here tomorrow?

15              THE COURT: No.

16              MR. KOPP: Okay.

17              THE COURT: If he's required to come back,  
18      it'll be after we -- after we rule on the various levels of  
19      ruling that we have to rule in the case as it involves him.

20              MR. TRAFICANT: Well, your Honor, almost all  
21      of my witnesses you have declined the opportunity for them  
22      to testify on exceptions to the hearsay rule in support of  
23      the Government.

24              THE COURT: Well, we have --

25              MR. TRAFICANT: We clearly have a fellow here

1       who has, without immunity --

2                   THE COURT:   Johnson was here this morning.  
3       We did the voir dire.  Now I can listen to your argument on  
4       the hearsay problems with Johnson.  You know, you did a  
5       whole -- I was prepared to just read you the questions out  
6       of the prior transcript, but you did a whole new inquiry  
7       with it.  So --

8                   MR. MORFORD:  Your Honor, can I address that  
9       for a moment?  We've got some new filings from Congressman  
10      Traficant today, and because all of our breaks have been  
11      used up in hearings, we haven't even had a chance to read  
12      them, let alone decipher them and be ready to address them  
13      with the Court.

14                  THE COURT:  I haven't read them.  I think I  
15      have seven new motions that came in today.  So --

16                  MR. TRAFICANT:  Your Honor, from day one,  
17      I've been deluged by papers from the Government and --

18                  THE COURT:  This is a paper intensive case.

19                  MR. TRAFICANT:  I am beginning to proffer  
20      into the record those things that you have not allowed  
21      witnesses to testify to.

22                  THE COURT:  Well, this is what we have here.  
23      We have -- we wanted arguments regarding the Johnson  
24      hearsay.  And he was voir dired this morning.  So --

25                  MR. MORFORD:  Your Honor, that's what I'm

1       addressing. One of the things Congressman Traficant filed  
2       this morning relates to that and apparently brings up some  
3       new arguments we've never heard before, and we've got to go  
4       back through all that.

5               THE COURT: So we'll have to postpone that.

6               MR. MORFORD: That's what I'm trying to say.

7               THE COURT: We have a list that's here which  
8       we try to keep up with.

9               MR. TRAFICANT: One question, not to  
10      interrupt --

11              THE COURT: Kovachik hearsay, there was one  
12      we put over on Kovachik. I think we can probably pull that  
13      up.

14              MR. TRAFICANT: I want her called back. That  
15      was an unsolicited statement that was made by a witness,  
16      and I -- that witness should have the opportunity to  
17      make -- and be at least given the opportunity to testify.

18              THE COURT: She is coming back tomorrow, I  
19      think.

20              MR. TRAFICANT: Well, they rested on her.

21              THE COURT: Did you rest on her?

22              MR. MORFORD: Yes, we did, your Honor, but  
23      there's absolutely no hearsay exception for that statement  
24      whatsoever.

25              THE COURT: Put on the record what statement

1 we're talking about so we have this all clear.

2 MR. MORFORD: She's your witness.

3 MR. TRAFICANT: I'd have to read it and hear  
4 it myself. I didn't -- I wasn't leading in that direction.  
5 I was leading more or less into the relationship that Chuck  
6 had with Jackie Bobby and Grace Yavorsky, and she come out  
7 with something relative to Chuck O'Nesti --

8 THE COURT: Okay. Let me just --

9 MR. TRAFICANT: -- and kickbacks, and it may  
10 be something that hurts me for that matter. I don't even  
11 remember.

12 THE COURT: Okay. Let me go back and see  
13 whether there's a hearsay objection to that rule.

14 MR. TRAFICANT: I'm sure if it hurts me, the  
15 Government wants it in.

16 THE COURT: Congressman, if you can just be  
17 quiet, it will help me because I have to search a whole  
18 record here.

19 MR. TRAFICANT: I'll try.

20 THE COURT: Thank you. Okay. The question  
21 put to her was: Did there come a time you rejoined the  
22 congressional staff? Her answer was yes, I rejoined the  
23 staff after talking to Chuck O'Nesti. And with his  
24 encouragement to say Linda go back to the Congressman's  
25 office. I know you're a good worker, and the Congressman

1 needs you. I said, I don't know about these kickbacks,  
2 Mr. O'Nesti. He said -- that's the issue that I reserved  
3 -- he says I had not. Objections. Okay, whoa, whoa, whoa.  
4 As the Congressman knows, that's precisely the sort of  
5 statement we have to deal with out of the hearing of the  
6 jury before we present it to the jury.

7 MR. TRAFICANT: Your Honor, could we please  
8 repeat my question?

9 THE COURT: Um-hum. Did there come a time  
10 when you rejoined the congressional staff? Her answer was  
11 not responsive exactly to the question. She answered it,  
12 but she kept going. She answered -- she said, yes, I  
13 rejoined the staff after talking to Chuck O'Nesti and with  
14 his encouragement to say Linda, go back to the  
15 Congressman's office. I know you're a good worker, and the  
16 Congressman needs you -- those are all quotes from O'Nesti.  
17 And then she says, I said I don't know about these  
18 kickbacks, Mr. O'Nesti -- she gets into a whole other area.

19 MR. TRAFICANT: And then what did she say?

20 THE COURT: And then Mr. Kall objected. Then  
21 she said he says I have not -- objection, your Honor.

22 MR. TRAFICANT: Your Honor, we have had under  
23 oath now Mr. Johnson. Now you have a statement from Linda  
24 Kovachik.

25 THE COURT: Regarding what Mr. O'Nesti said.

1       We're back in this area a lot.

2                   MR. TRAFICANT: Yes, yes, like a startling  
3       surprise type thing. You have a statement unsolicited of  
4       Mr. Johnson, Mr. Cafaro. When he wants to talk to him  
5       about titles to a car, and Cafaro thinks he wants to talk  
6       to him about the case. I mean, clearly, then you look at  
7       Mr. Saadey's case. He is -- he is talking about a person  
8       who is immediately under stress, never seen him so  
9       stressed.

10                  THE COURT: I haven't ruled on that.

11                  MR. TRAFICANT: Made a statement immediately  
12       after a meeting with the FBI.

13                  THE COURT: You have all that on the record  
14       now. We'll evaluate that, but we haven't had time to  
15       evaluate that.

16                  MR. TRAFICANT: When will we do that?

17                  THE COURT: You want to respond on this  
18       question. Mr. Kall, you posed the objection.

19                  MR. KALL: Again, your Honor, a timely  
20       statement was made apparently February of 2000. There's no  
21       circumstantial guarantees of trustworthiness at that time.

22                  Mr. O'Nesti was still on staff -- excuse me --  
23       February of -- excuse me -- at that time he was off staff  
24       but still very close with Congressman Traficant. And  
25       there's no circumstantial guarantees of trustworthiness

1       when his former boss and very close friend, he's making  
2       statements that exculpate that person. There's no  
3       circumstantial guarantees of trustworthiness as to a  
4       statement such as that.

5                   THE COURT: Okay. Well, it's up to the  
6       Congressman to establish something like that, and this is  
7       your chance to do it.

8                   MR. TRAFICANT: Okay. That is not a truthful  
9       statement.

10                  THE COURT: That's not going to help you,  
11       Congressman.

12                  MR. TRAFICANT: Okay. Hear me. I want to  
13       just make it. I'm not saying he's lying. But -- we have a  
14       witness that was voir dired, that said I wasn't returning  
15       Mr. O'Nesti's calls. So evidently, I wasn't all that close  
16       with Mr. O'Nesti at that time. Or I wasn't getting a  
17       message, so Mr. O'Nesti evidently went out of his way  
18       hearing what when he found out Mr. Johnson was evidently in  
19       a certain place; went out of his way to be taken there, to  
20       talk to him for me to talk to him. Now, for them to say  
21       that I was in close contact with my close friend is a  
22       misrepresentation of that period of time when such  
23       statements made out of court to a party with no interest --

24                  THE COURT: Okay.

25                  MR. TRAFICANT: -- now leaves it to a point

1       where you're looking at the stress factor of Sabatine.  
2       You're looking at the unsolicited remarks of Cafaro, who  
3       thought he was talking -- going to be talking about cars --  
4       would you fellows let me finish?

5                   MR. SMITH: I'm talking to him. I'm not  
6       talking to you.

7                   MR. TRAFICANT: Yes. You're talking while  
8       I'm speaking.

9                   THE COURT: I'm listening.

10                  MR. TRAFICANT: Mrs. Kovachik, she was close  
11       to O'Nesti. I'm getting towards O'Nesti's relationship  
12       with Bobby and Yavorsky, that he would have never talked  
13       with them at all.

14                  THE COURT: Okay.

15                  MR. TRAFICANT: And that was my purpose.

16                  THE COURT: Okay.

17                  MR. TRAFICANT: Now, if you want to voir  
18       dire -- I'm tired of having my witnesses come in and go  
19       through double jeopardy in a trial, and I think they should  
20       be allowed to testify. They could object if they want, and  
21       you can strike it.

22                  THE COURT: Thanks.

23                  MR. TRAFICANT: My God, you let them bring in  
24       testimony here of two vindictive women that weren't even  
25       liked by the guy, wouldn't let him in his room. The

1 testimony was brought out.

2 THE COURT: Thank you. Now we're adjourned.  
3 It's a few minutes after 6:00. See you in the morning --

4 MR. TRAFICANT: Your Honor, can I please  
5 submit some evidence tonight so I don't forget it?

6 THE COURT: Okay. Okay. Let's --

7 MR. TRAFICANT: I have some things that were  
8 photographs taken yesterday, and I ask they be placed on  
9 the record. First of all --

10 THE COURT: Well, who took the photographs?  
11 Was it someone who was --

12 MR. TRAFICANT: He testified to them  
13 yesterday, Mr. Marchese.

14 THE COURT: Show them to the Government.

15 MR. TRAFICANT: Yes. They were the pictures  
16 of the -- of the house. Just the ones that deal with the  
17 house. There are some photographs in there, and I was  
18 going to take them --

19 THE COURT: We have to do that in the  
20 morning.

21 MR. TRAFICANT: I would like to, at least,  
22 put in tonight the check of Susan Bucci that she  
23 identified. That was TB-4, a check for \$1,000, endorsed by  
24 Susan Bucci and testified to yesterday.

25 THE COURT: Okay. Yes.

1 MR. SMITH: No objection.

2 THE COURT: No objection. It will be  
3 admitted. And we'll look at the pictures tomorrow because  
4 they haven't seen them. Okay. Thank you very much. See  
5 you at 9:00.

6 (Proceedings adjourned.)

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1	VOIR DIRE DIRECT EXAMINATION OF DENNY JOHNSON .....	4977
2	VOIR DIRE CROSS-EXAMINATION OF DENNY JOHNSON .....	4988
3	VOIR DIRE REDIRECT EXAMINATION OF DENNY JOHNSON ....	4999
4	DIRECT EXAMINATION OF ROBERT BARLOW .....	5003
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16	VOIR DIRE RECROSS OF RUSSELL SAADEY.....	5235

## C E R T I F I C A T E

I certify that the foregoing is a correct  
transcript from the record of proceedings in the  
above-entitled matter.

\_\_\_\_\_  
George Staiduhar, RPR, FCRR  
U.S. District Court - Room 539  
201 Superior Avenue  
Cleveland, Ohio 44114-1201  
(216) 575-1727